ST. MARY'S COLLEGE OF MD. ACADEMY
MONROE, MICH.
FAITH and DUTY
LABORA
Sisters Servants of the
Immaculate Heart of Mary
1845

CHRISTOPHER COLUMBUS.
From an old painting.

T 12

Biographical Sketches

OF THE

Eminent American Patriots,

CHARLES CARROLL, of Carrollton; ROGER BROOKE TANEY;
WILLIAM STARKE ROSECRANS; JOHN BARRY;
PHILIP HENRY SHERIDAN, and a

SKETCH OF THE EARLY HISTORY OF MARYLAND

BY

JOSEPH TAGGART, Esq.
OF THE KANSAS CITY BAR.

ILLUSTRATED

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To My Brethren, the Knights of Columbus, I Respectfully Dedicate This Book.

THE AUTHOR.

PREFACE

It may seem superfluous to add to the volumes of history that have been written of illustrious citizens of the American Republic. The names of the subjects of these sketches are familiar to every reader of history, and the part that they took in establishing and serving the Government of the United States is well known; but it may serve the convenience of a great class of American readers to unite in one volume the lives of these particular men, each of whom in his own way added to the glory of our national annals. A consideration of their history affirms the fact that this government was established for the welfare of the whole people, that the independence of the Colonies was achieved by the efforts of all of the people, and that the men who faithfully preserved the institutions of our country represented every part of the people.

The Government of the United States is distinctly secular. It was not established in the interests of any other institution or for the purpose of lending its aid to the opinions, beliefs or prejudices of any part of its citizens. Other institutions are left to work out their own destiny untrammeled and unaided by the government. Properly speaking, the Government of the United States does not simply tolerate all forms of religious belief. In theory the exercise of religion is a natural right, and by the provisions of the constitution, Congress is expressly forbidden to interfere with that right. Toleration has a higher significance in the United States than a

mere principal of law. It is founded in the respect of the people for each other, and on their patience with each other's differences. Toleration is the duty of the citizen; it is beyond the province of government.

The relation of the United States Government to its officers is the relation of master and servant and the servant's duties are prescribed by statute. It therefore follows, that the officer serves his country best who discharges his duty prescribed by law, faithfully and impartially and without fear or favor, and his opinions on other matters are important only as far as they bind his conscience to a more faithful discharge of his duty.

The history of these five great men illustrates the value to the government of unswerving honesty and faithfulness in great public affairs. The conscience, trained from childhood to respect the solemn obligations of an oath, is illustrated in the lives of these patriots. I have, therefore, no apology to offer for uniting these sketches of their lives in one book. There are writers of history who would minimize or obscure the work of these citizens; overlook their early training and ignore the faith that was the basis of their character;

Apparent rari nantes in gurgite vasto.

These sketches are not written, however, to vindicate those national sages and heroes, but to provide a convenient manual of their lives. And I offer this brief story of their lives and work to the public to the end that we may more fully appreciate the fact that the Government of the United States was established by men of many races and of every shade of belief, and that its glory is the proud inheritance of the whole people.

In preparing these sketches I have in all matters of importance indicated the sources of my information. I

am deeply indebted to Mrs. Kate Rowland, from whose excellent "Life and Correspondence of Charles Carroll of Carrollton," and the authorities and documents therein copied or referred to, I have derived many of the facts noted in the history of Carroll. I also acknowledge my obligations to Mr. Martin I. J. Griffin, whose research afforded many of the facts and historical references that were of the greatest value in preparing the sketch of Captain Barry. The "Lives of George and Cecelius Calvert, Lords Baltimore," by William Hand Browne, as well as the works of John Gilmary Shea afforded me ample and authentic records of the early struggles of Maryland, written with equal fairness by those authors of widely diverging opinions. And I wish to express my full appreciation of the value and historical accuracy of the various publications mentioned in the bibliography attached to these sketches.

J. T.

Kansas City, April, 1907.

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CHAPTER I.

THE COLONY OF MARYLAND—THE LAND OF SANCTUARY.

George Calvert, The First Lord Baltimore—Secretary of State of England—Raised to the Peerage—His Plan to Colonize Newfoundland—He Determines to Found a Colony for the Persecuted—His Visit to Newfoundland—His Death

Cecelius Calvert, The Second Lord Baltimore—The Patent for Maryland Granted by Charles I—The Sailing of the Ark and Dove—His Instructions to the Colonists—The "Relatio Itineris" of Father White—Treatment of the Indians—William Claiborne—Bitter Enmity of Claiborne Toward the Colonists—The Proprietor's Instructions in Reference to Claiborne—The First Legislative Assembly—The Toleration Act—The Coming of the Puritans—Persecution of the Colonists by the Puritans—Overthrow of the Government—Lord Baltimore Regains the Government—Death of Cecelius Lord Baltimore—Revolution in England and Establishment of the Church of England in Maryland—Removal of the Capital and Decline of St. Mary's—The Acadian Exiles.

The history of Maryland had its beginning when George Calvert, the first Lord Baltimore determined to establish a colony in America where Catholics might find a refuge from persecution, and at the same time extend the blessing of liberty of conscience to all others under their protection.

A sketch of the lives of Charles Carroll of Carrollton and Roger Brooke Taney, would be incomplete without a reference to the history of the colony of Maryland and the people from whom they sprung, and among whom their characters were formed. Maryland was the only English speaking Catholic colony ever estab-

lished in America. In the beginning its ideals were distinctly Catholic, and to form a just estimate of those two of its most distinguished sons, a consideration of the early struggles of the people of the colony will help the reader to appreciate the life purposes and ideals of those two great men.

George Calvert, a native of Yorkshire and descendant of a noble family was, in the year 1619, raised to the office of Secretary of State of England, a dignity corresponding nearly to that of Prime Minister at the present time. He was a favorite of James I, and while he was not a man of brilliant accomplishments, he was laborious and exact, and his integrity was never questioned.

King James fully appreciated the high character of his secretary, and in testimony of his regard, granted him an estate consisting of 2,300 acres in the County of Longford in Ireland, which was called Baltimore, and which gave rise to a name that shall be forever entwined with the history of the new world. In the patent which the King granted for Baltimore there was a provision that not only the Lord of the Manor, but all persons who should dwell upon the estate should be "comfortable in point of religion."

In 1625 to the great chagrin of his royal master, George Calvert, who had been born and reared a Protestant, became a Roman Catholic. This caused such consternation that the King's Secretary demanded the patent which had been granted for the estate of Baltimore, and when it was afterwards returned to Calvert, the provision for the security of himself and his Catholic tenants was stricken out. It is well known that no one, at that day, could hold office in England without taking the "Oath of Supremacy," which involved a denial of

the doctrine of the Catholic Church. Therefore, on becoming a convert, George Calvert promptly tendered his resignation as Secretary of State, which was accepted, but the King still retained him in his Privy Council, dispensing with the Oath of Supremacy, and elevated him to the peerage as Baron Baltimore of Baltimore.

Shortly after bestowing this honor on George Calvert, James I died, and although Charles I, who became King, desired to retain Lord Baltimore in the Council, and offered to dispense with the Oath of Supremacy, the former secretary refused all further honors and retired to private life.

Lord Baltimore, from his earliest youth, had a noble ambition to explore and colonize America. In the maturity of his manhood this ambition ripened into a purpose, not only to colonize the new world, but to carry the blessings of Christianity to the American Indians.

The reading world is familiar with the history of England at that period. It is useless to add to the volumes that have been written describing the persecutions of those days. Suffice it to say that the laws of England rendered life intolerable to Catholics as well as others, and this fact appealed to every generous hearted man who had a purpose to benefit humanity. Actuated by a love of liberty, Lord Baltimore determined to found a colony in the new world where all men persecuted for the sake of their opinions might live in peace.

A delusion prevailed at that day that climate was practically uniform in the same latitude, and Lord Baltimore seemed to think that Newfoundland, being directly west of the British Isles, would afford a suitable place for a colony. He therefore purchased a plantation

on that island which he named Avalon, after a landing place in England, which is said by tradition to be the spot where the first Christian missionary set foot in Great Britain.

But the French claimed Newfoundland and opposed the encroachment of the English, and this fact, together with the bleak and inhospitable climate and the stony and unfruitful nature of the soil, caused Lord Baltimore to abandon Avalon and turn his attention farther south.

At that time all the English possessions in America comprised the two colonies, Virginia and New England. The Dutch intruded between them at New York and founded a colony which was afterwards conquered by the English. Virginia was founded by the Cavaliers, who established the Church of England and were hostile alike to Puritans as well as to Catholics. Virginia had become a royal province and the Church of England was established by law, excluding all others.

New England was in the undisputed possession of the Puritans, who came to the shore of the new world seeking religious liberty which they themselves above all others denied to every person who differed from them in opinion.

The prospects seemed dreary to Lord Baltimore. He did not stop at New England, but went on to Virginia, believing that he might arrange to found a colony within the limits of that province. When he arrived at Jamestown the Virginians began to suspect that he had come to examine the province with a view of having it granted to him by the King of England, and he was therefore not hospitably received. About this time a letter reached him from the King by which he was requested to return to England and, leaving his wife, who had accompanied him through all the perils of his

voyages and explorations, at Jamestown, he proceeded to London, determined to apply to the King for a charter authorizing him to found a new colony in the northern part of Virginia. His application was favorably considered by Charles I, and the patent had been drawn for Maryland when Lord Baltimore died in 1632. He was buried in the Church of St. Dunstan in London, but that edifice has long since disappeared, and there remains no epitaph of the great pioneer.

King Charles was so favorably impressed with the purpose of Lord Baltimore that he expressed his willingness to grant the patent to Cecelius, the second Lord Baltimore, eldest son and heir of George Calvert, and therefore, by a Royal Charter, dated June 20th, 1632, Maryland, named in honor of Queen Henrietta Maria, became the absolute property of Cecelius Calvert, who was throughout his whole life a firm, devout, and consistent Catholic.

The territory comprising the present States of Maryland and Delaware and a part of Southern Pennsylvania and Northern West Virginia was included in the grant. The only return for that vast domain demanded by the King was one-fifth of any gold or silver that might be found within the territory and two Indian arrows delivered each year on Tuesday of Easter week to the King as a token of the vassalage of the proprietor.

The powers granted to Lord Baltimore by this charter were the greatest ever given to a subject by an English monarch. The charter provided for a royal power in all things. The proprietorship was modeled after the palatinates of the feudal ages. The proprietor was made a regulus or little king and was entitled "Cecelius, Absolute Lord of Maryland and Avalon." He was given power to declare war and conclude peace; to levy

and collect taxes; to lay the county off into sub-divisions and establish boundaries; to establish courts and from the courts so established there was no appeal to the courts of England. At the request of Lord Baltimore a wise provision was inserted in the charter for the law-making power. The proprietor had no power to make laws involving life or property without the advice and consent of the freemen of the colony and every freeman, (the phrase meaning all persons who were not bound to service), was entitled to a vote in the law making body. The laws covering minor matters were to be made by the proprietor alone. So faithfully was the provision that all freeman had an equal voice in the law making body observed, that more than a century later, after the colonists had become so numerous that they adopted the practice of sending deputies to the legislature, two freemen, who stated they had not participated in the election and were not satisfied with their representatives, claimed the right to sit in the assembly and the request was granted.

The colonists retained all the rights of British subjects and enjoyed a greater degree of liberty than their brethren in England. Among the most important of their privileges was the right to trade with all the world, and the crowning provision of the charter was that they were exempt from the payment of taxes to the mother country. Strange to say, the Charter of Maryland expressly granted to its colonists the very rights which were denied to the other colonies of America, and in vindication of which the battle for independence was fought and won.

In the year 1633 the second Lord Baltimore began his preparations for planting his colony. His enemies lost no opportunity to accuse him before the king of all

manner of treasonable purposes. Some said he was in league with France. Others charged that his purpose was to take religious persons out of the kingdom to Spain when such persons were forbidden by law to leave England. After many vexations and delays he got together two small vessels, the Ark and the Dove, in the harbor of Cowes in the Isle of Wight. Finally, on November 23rd, 1633, with about three hundred and twenty emigrants on board, consisting of both Catholics and Protestants, the Ark and Dove were dispatched on their hazardous voyage to Maryland.

Authorities differ as to the proportion of the people of each faith comprising these colonists, but it seems that the freemen, or those entitled to become owners of land, were principally Catholics, while the greater number, who were persons bound to service, were in the main Protestants, but there is no accurate religious census of the colonists. The condition of these persons whose contract for labor required them to serve others for a certain length of time, differed materially from slavery. At the end of the contract the servant became a freeman and was clothed with all the rights of a person who had never been indentured and could become the owner of land as if originally free.

Lord Baltimore did not accompany the colonists, and although it was his intention to follow them a year later, his enemies in England became so vindictive that he was never permitted to see the Colony of Maryland, but was obliged to remain in London to thwart the schemes of those who sought to destroy his enterprise. And it is a melancholy fact that from the time the plan of colonizing Maryland originated, and continuing for nearly a century, its proprietor and its people were beset by enemies in the old world as well as the new.

Leonard Calvert, brother of the proprietor, was sent with the colonists as governor, and two gentlemen, Jerome Hawley and Thomas Cornwaleys, were appointed commissioners to aid the governor, and were styled his "coadjutors." Lord Baltimore wrote with his own hand a comprehensive series of instructions for the guidance of his governor and commissioners as well as the colonists during their voyage and after their arrival in the colony, the original manuscript of which is still preserved in the archives of the Maryland Historical Society. These instructions were fifteen in number and dealt with the various details of apportioning land, establishing cities and towns and promoting agriculture. In his first instruction Lord Baltimore took great care that there should not be any religious dissensions among the colonists. Nothing can exceed the prudence and good sense of this charitable man, who, above all the great men of his time, was distinguished as a peace maker. Although, as before stated, the majority of the colonists was perhaps Protestant, and persons of inferior station, good care was taken that their feelings should not be hurt by the others. The first instruction was as follows:

"I. Inpri: His lordship requires his said Governor and Commissioners that in their voyage to Mary Land they be very carefull to preserve unity and peace amongst all the passengers on Ship-board, that they suffer no scandall nor offence to be given to any of the Protestants, whereby any just Complaint may hereafter be made by them, in Virginia or in England, and that for that end they cause all Acts of Romane Catholique Religion to be done as privately as may be, and that they instruct all the Romane Catholiques to be silent upon all occasions of discourse concerning matters of

Religion; and that the said Governor and Commissioners treat the Protestants with as much mildness and favor as Justice will permit. And this to be observed at Land as well as at Sea."

The voyage occupied several months and seems to have been without incident. The Ark and Dove were brought to anchor off the coast of Virginia, and the colonists excited the jealousy and apprehensions of the Virginians. In March, 1634, the voyagers entered the Chesapeake Bay and beheld for the first time the beautiful shores of Maryland, destined to become a part of the classic ground of America. Two Jesuit Fathers, Andrew White and John Altham, accompanied the colonists, and Father White wrote in Latin a description of the country to the General of his order. After referring to the voyage and the landing in Virginia the Father continues:

"At length, sailing from this, we reached what they call Point Comfort, in Virginia, on the 27th of February, full of fear lest the English inhabitants, to whom our plantation is very objectionable, should plot evil against us. Letters, however, which we brought from the King and the Chancellor of the Exchequer to the Governor of these regions, served to conciliate their minds, and to obtain those things which were useful to us. For the Governor of Virginia hoped, by this kindness to us, to recover the more easily from the royal treasury a great amount of money due to him. They announced only a vague rumor, that six ships were approaching, which would reduce all things under the power of the Spanish. For this reason all the inhabitants were under arms. The thing afterwards proved to be in a measure true.

"After a kind entertainment for eight or nine days,

making sail on the 3d of March, and carried into the Chesapeake Bay, we bent our course to the north, that we might reach the Potomac river. The Chesapeake Bay, ten leagues broad, and four, five, six and even seven fathoms deep, flows gently between its shores; it abounds in fish when the season of the year is favorable. A more beautiful body of water you can scarcely find; it is inferior, however, to the Potomac, to which we gave the name of St. Gregory. Having now arrived at the wished-for country, we appointed names as occasion served. And, indeed, the point which is at the south we consecrated under the title of St. Gregory; designating the northern point, we consecrated it to St. Michael, in honor of all the angels. A larger or more beautiful river I have never seen. The Thames, compared with it, can scarcely be considered a rivulet. It is not rendered impure by marshes, but on each side from banks of solid earth rise beautiful groves of trees, not choked up with an undergrowth of brambles and bushes, but as if laid out by the hand, in a manner so open, that you might freely drive a four-horse chariot in the midst of the trees.

"At the very mouth of the river we beheld the natives armed. That night fires were kindled through the whole region, and since so large a ship had never been seen by them, messengers were sent everywhere to announce "that a canoe as large as an island, had brought as many men as there was trees in the woods." We proceeded, however, to the Heron Islands, so-called from the immense flocks of birds of this kind. The first island which presented itself we called by the name of St. Clement's, the second St. Catherine's, the third St. Cecelia's. We landed first at St. Clement's, to which access is difficult, except by fording, because of the

shelving nature of the shore. Here the young women, who had landed for the purpose of washing, were nearly drowned by the upsetting of a boat—a great portion of my linen being lost, no trifling misfortune in these parts.

"This island abounds in cedar, sassafras, and the herbs and flowers for making salads of every kind, with the nut of a wild tree which bears a very hard nut, in a thick shell, with a kernel very small but remarkably pleasant. However, since it was only four hundred acres in extent, it did not appear to be a sufficiently large location for a new settlement. Nevertheless, a place was sought for building a fort to prohibit foreigners from the trade of the river, and to protect our boundaries, for that is the narrowest crossing of the river.

"On the day of the Annunciation of the Holy Virgin Mary, on the 25th day of March, in the year 1634, we offered in this island, for the first time, the sacrifice of the Mass; in this region of the world it had never been celebrated before. Sacrifice being ended, having taken up on our shoulders the great cross which we had hewn from a tree, and going in procession to the place that had been designed, the Governor, commissioners and other Catholics participating in the ceremony, we erected it as a trophy to Christ the Saviour, while the litany of the holy cross was chaunted humbly on the bended knees, with great emotion of soul. But when the Governor had understood that many sachems are subject to the chieftain of this region, he resolved to visit him, that the cause of our coming being explained, and his good will being conciliated, a more easy access might be gained to the minds of the others. Therefore, having added another pinnace to ours which we had bought in Virginia, and having left the ship at anchor

at St. Clement's, retracing his course, he landed at the south side of the river.

"And when he had found out that the savages had fled into the interior, he proceeded to a village which is also called Potomac, a name derived from the river. Here Archihu, the guardian and uncle of the king, who is a youth, holds the government of the kingdoms—a grave man and prudent. To Father John Altham, who had come as the companion of the Governor (for he left me with the baggage), he willingly gave ear while explaining, through an interpreter, certain things concerning the errors of the heathens, now and then acknowledging his own; and when informed that we had not come thither for the purpose of war, but for the sake of benevolence, that we might imbue a rude race with the precepts of civilization, and open up a way to heaven, as well as impart to them the advantages of remote regions, he signified that we had come acceptably. The interpreter was one of the Protestants of Virginia. Therefore, when the Father could not discuss matters further for want of time, he promised that he would return before long.

"This is agreeable to my mind," said Archihu, "we will use one table; my attendants shall go hunt for you, and all things shall be common with us."

"From this we went farther into the interior, where all flew to arms. About five hundred men, equipped with bows, stood on the shore with their chieftains. Signs of peace being given them, the chief laying aside his apprehensions, came on board the pinnace, and having understood the intentions of our minds to be benevolent, he gave us permission to settle in whatever part of his empire we might wish.

"In the meantime, while the Governor was on his

visit to the chieftain, the savages at St. Clement's having grown more bold, mingled familiarly with our guards, for we kept guard day and night, both that we might protect our woodcutters as well as the brigantine which with boards and beams we were constructing as a refuge from sudden attacks.

"It was amusing to hear them admiring everything.

"In the first place, where in all the earth did so large a tree grow, from which so immense a mass of a ship could be hewn? For they considered it cut from the single trunk of a tree, in the manner of a canoe. Our cannon struck them all with consternation, as they were much louder than their twanging bows, and loud as thunder.

"The Governor had taken as companion in his visit to the chieftain, Captain Henry Fleet, a resident of Virginia, a man very much beloved by the savages, and acquainted with their language and settlements. At the first he was very friendly to us; afterwards, influenced by the evil counsels of a certain Claiborne, who entertained the most hostile disposition, he stirred up the minds of the natives against us with all the art of which he was master. In the meantime, however, while he remained as a friend among us, he pointed out to the Governor a place for a settlement, such that Europe cannot show a better for agreeableness of situation.

"From St. Clement's, having proceeded about nine leagues toward the north, we entered the mouth of a river, to which we gave the name of St. George. This river in a course from south to north, runs about twenty miles before it is freed from its salt taste not unlike the Thames. Two bays appeared at its mouth, capable of containing three hundred ships of the largest class. One of the bays we consecrated to St.

George; the other bay, more inland, to the Blessed Virgin Mary. The left bank of the river was the residence of King Yoacomico. We landed on the right, and having advanced about a thousand paces from the shore we gave the name of St. Mary's to the intended city; and that we might avoid all appearance of injury and of hostility, having paid in exchange axes, hatchets, hoes and some yards of cloth, we bought from the king thirty miles of his territory, which part now goes by the name of Augusta Carolina.

"The Susquehannoes, a tribe accustomed to wars, and particularly troublesome to King Yoacomico, in frequent incursions devastate all his land, and compel the inhabitants, through fear of danger, to seek other habitations. This is the reason why so readily we obtained a part of his kingdom; God, by these miracles, opened a way for His law and for eternal life. Some emigrate and others are daily relinquishing to us their houses, lands and fallow fields. Truly, this is like a miracle, the savage men, a few days before arrayed in arms against us, so readily trust themselves like lambs to us, and surrender themselves and their property to us. The finger of God is in this; and some great good God designs to this people. Some few have granted to them the privilege of remaining with us till the next year. But then the ground is to be given up to us unencumbered.

"Here we have been only one month, and so other things must be reserved for the next sail. This I can say, that the soil appears particularly fertile, and strawberries, vines, sassafras, hickory nuts and walnuts, we tread upon everywhere, in the thickest woods. The soil is dark and soft, a foot in thickness, and rests upon a rich and red clay. Everywhere there are very high

trees, except where the ground is tilled by a scanty population. An abundance of springs afford water. No animals are seen except deer, the beaver, and squirrels, which are as large as the hares of Europe. There is an infinite number of birds of various colors, as eagles, herons, swans, geese and partridges. From which you may infer that there is not wanting to the region whatever may serve for commerce or pleasure." 1.

The spirit of good will expressed in the classic account of Father White with reference to the Indians possessed the colonists. It was the policy of Lord Baltimore, and a strict rule among the settlers of Maryland, to take nothing from the Indians without compensation. Leonard Calvert made a treaty with the Indians almost precisely of the same character as that made by William Penn many years afterwards—by the terms of which the colonists and the Indians were to live in peace forever, and nothing was to be taken from the Indians by force. Scharf, in his excellent History of Maryland describes eloquently the dealings of the proprietor and the early settlers of Maryland with the Indians.

"Instead of treating the aborigines as wild beasts, or savages, toward whom no moral law was binding, he dealt with them as with men whose rights had a claim to respect. He raised no sophistical question whether savages could acquire or transfer any rights of the soil, or whether it was worth while to pay them any price for what they were preparing to abandon. The quantity of goods given them is not known; but the compensation was satisfactory, and there is no reason for alleging that

1—From the "Relatio Itineris," Rev. Father Andrew White, "A Relation of the Colony of the Lord Baron of Baltimore in Maryland (Baltimore, 1847), 18-24 passim.

it was not ample. The land ceded was mostly forest hunting grounds; and the former possessors left them only to remove to others chosen in the boundless wilderness. The articles given in exchange were not trinkets and cheap gew-gaws to pamper savage vanity, nor the maddening draught that has been the bane of the race, nor the arms that would render their internal wars more deadly and hasten their extermination; they were not merely of intrinsic worth, but of absolutely inestimable value to the Indian, who could procure nothing comparable to them, and was at once raised a degree in civilization by their acquisition. The possession of an axe of steel instead of his rude tool of stone multiplied his strength and efficiency a hundredfold. If the whites occupied his fields, they gave him, in improved implements, the means of raising larger crops, with less labor, in his new abode; if they restricted his hunting grounds, they taught him to dispense with his rude garment of skin, and clothed him in the warmest fabric of the loom.

"The Indians, on their side, faithfully performed their part of the contract. They shared at once their cabins with the strangers and prepared to abandon them and the cultivated fields as soon as the corn was harvested. In the meantime they mingled freely with the colonists, who employed many of their women and children in their families. From them the wives and daughters of the settlers learned the modes of preparing maize and other products of the soil. While the colonist of New England ploughed his field with his musket on his back, or was aroused from his slumbers by the hideous war-whoop to find his dwelling in flames, the settlers of St. Mary's accompanied the red warrior to the chase and learned his arts of woodcraft; and the Indian, coming to the settlement with wild turkeys or venison,

found a friendly reception and an honest market, and, if belated, wrapped himself in his mantle of skins or duffield cloth and lay down to sleep by the white man's fireside, unsuspecting and unsuspected.

"Such were the happy results of the truly Christian spirit that animated the first Maryland colonists."

Leonard Calvert, writing to his brother, Lord Baltimore, in 1638, indicates clearly that although Lord Baltimore was the absolute owner of all of Maryland, and his brother, as Governor, had all the powers of the proprietor, yet the difficulty of obtaining goods from the Indians seemed to stand in the way of securing certain "matts" with which it was the intention of Lord Baltimore to decorate a house. The prices charged by the Indians were so high that the Governor seemed to think that even Lord Baltimore could not afford such luxuries.

"The matts which you wrote for amounts to such a charge to be bought from the Indians that I had not sufficient means to purchase it. It is not lesse than fortie pownds worth of truck out of England will buy 350 yards of matt, besides the charge of seeking them in twentie severall Indian towns, for unless they be bespocken there is very few to be had, but such as are not worth buying to give a friend. . . . but if you desire to have them and will provide truck to buy them, upon further notice from you I will bespeack them." 1.

This charitable disposition towards the Indians prevented those desperate encounters and revolting atrocities so common in other colonies. With the exception of some trouble with Indians beginning in 1641 and continuing until 1644, and due mainly to differences

1—George and Cecelius Calvert, Lords Baltimore, William Hand Browne, p. 80.

that arose in Virginia, Maryland was singularly free from Indian wars.

The second Charter granted to the Virginia colony included all of Maryland, and although this Charter and all the other Charters of Virginia had been revoked before the grant of Maryland to Lord Baltimore, the Virginians disputed the right of Baltimore to plant his colony.

The fact that Maryland enjoyed the privilege of free trade with all the world while the trade of Virginia was limited, was a cause of jealousy and such was the intolerant spirit of the age that it was extremely irritating to the Virginians that a Catholic colony should be planted and permitted to flourish in the new world.

This bitter feeling found expression in the conduct of one William Claiborne, who was a member of the Virginia Council. The year before the Charter of Maryland was issued to Baltimore, Claiborne established a trading post, for trade with the Indians, on Kent Island, in the Chesapeake Bay, opposite Annapolis.

Claiborne had no title whatever to the island. Lord Baltimore knew of the presence of Claiborne in the island when the colonists departed for Maryland, and in his instructions charged his governor and commissioners that as soon as they arrived, they should send a messenger "that is likewise conformable unto the Church of England" to Claiborne, "and that they assure him in fine that his Lordship intends not to do him any harm, but to show him all the love and favor that he can, and that his Lordship gave them directions to do so to him in his absence; in confidence that he will, like a good subject to his Majesty, conform himself to his highness' gratious letters patents granted to his Lordship, whereof he may see the duplicates if he desires it,

together with their invitation, that they let him alone for the first year, till upon notice given to his Lordship of his answer and behavior they received further directions from his Lordship and that they inform them as well as they can of his plantation, and what his designs are, of what strength and what correspondence he keeps with Virginia, and to give an account of every particular to his Lordship."

The friendship, expressed in these instructions, was lost on Claiborne. He refused to acknowledge the authority of Baltimore, but was not molested. More than a year afterwards he sent a pinnace into the Patuxent river, commanded by Thomas Smith, one of his retainers, with orders to trade with the Indians. Smith was arrested by the Maryland officers for trading without license, and afterwards released, but the vessel was detained.

This was the first clash between the proprietor and the claimant of Kent Island, and for nearly half a century afterwards Claiborne neglected no opportunity to attack the Maryland Colony.

In the winter of 1634-5 the first assembly of the freemen as a law making body was called at St. Mary's. The records of this session seem to be lost, but it appears that sundry "wholesome laws and ordinances" were passed. This assembly had the distinction of being the first law making body assembled in America where all men not bound to service had an equal voice in making the laws by which they were to be governed.

Now, Lord Baltimore's theory of law making was that he should propose the laws he thought necessary for the welfare of his colony, and give the freemen of Maryland the privilege of adopting or rejecting them. It was his intention at first to live among his colonists

and if he had been the resident Governor this plan would have been attended with no inconvenience. He was not pleased when the proceedings of the Assembly were sent to him for his approval and dissented to all the laws passed by the first session. He directed Leonard Calvert to summon another assembly and sent over "a body of lawes" for the consideration of the freemen, but these laws were promptly rejected by the Assembly. Here, as in every other colony, the spirit of liberty manifested itself from the very beginning. Much as the colonists loved and respected Lord Baltimore, they demanded that in all cases of doubt, the provisions of the charter should be construed in favor of the people instead of the proprietor, and therefore they insisted that it was the privilege of the Assembly to make such laws as it chose, and it then became the privilege of the proprietor to confirm or reject what had been done—precisely the same theory of government afterwards adopted by the framers of the Constitution of the United States and of every State of the Union.

Lord Baltimore yielded the point, and directed his brother to approve in his name all laws made by the Assembly which assent of the Governor would render them valid until such time as the proprietor should approve or reject them. It does not appear that the proprietor ever again used the veto power. This was the first victory for the people in the cause of popular government in the history of America.

Perfect peace and harmony reigned in the colony and agriculture and commerce flourished.

The estimable character of the colonists, and the mutual respect and affection with which they regarded each other, make the early history of Maryland the most

beautiful and inspiring chapter in the annals of the new world.

Thomas Cornwaleys, one of the commissioners, writing to Lord Baltimore, and defending his friend, Jerome Hawley, against some accusation, ends his letter with a glowing tribute to his friend and affords us an idea of how the pious women of the colony were honored. He gives a description of the virtues of Madam Eleanor Hawley, "who by her comportment in these difficult affairs of her husband, hath manifested as much virtue and discretion as can be expected from the sex she owns; whose industrious housewifery hath so adorned this desert, that should his discouragements force him to withdraw himself and her, it would not a little eclipse the glory of Maryland."

The safeguards thrown around religious liberty by the charter were sacredly preserved by the people of Maryland. The penal laws of England against Catholics, then in force, did not extend to Maryland, and were not a part of its laws.

Every person in the colony enjoyed the most perfect religious liberty and any interference with it was sternly denounced by law as a breach of the peace. In accordance, however with the provisions of the charter, the Assembly of Maryland, in 1649, passed the famous Toleration Act, the first of its kind in the world.

Before Protestantism commenced, a little more than a century before, laws tolerating all forms of religion were unnecessary. In fact, they would have been useless, inasmuch as there were no differences to tolerate.

With the change of religion commenced the fierce spirit of persecution, and it remained for a Catholic colony in the new world to require its inhabitants by law to live at peace with those who differed from them.

The provisions of the Act were as follows:

"And whereas the inforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath beene practiced, and for the more quiet and peaceable government of this province, and the better to preserve mutual love and unity among the inhabitants here, Bee it, therefore, also by the lord proprietary, with the advice and assent of this assembly, ordained and enacted, . . . that no person or persons whatsoever within this province or the islands, ports, harbours, creeks and havens thereunto belonging, professing to believe in Jesus Christ, shall from henseforth be any wise troubled, molested, or discountenanced, for or in respect of his or her religion, nor in the free exercise thereof within this province or the islands thereunto belonging, nor any way compelled to the beliefs or exercise of any religion against his or her consent, so as they be not unfaithful to the lord proprietary, or molest or conspire against the civil government, established or to be established in this province under him or his heyres; and that all and every person or persons that shall presume contrary to this act and the true intent and meaning thereof, directly or indirectly, eyther in person or estate, wilfully to wrong, disturbe, or trouble, or molest any person or persons whatsoever within this province, professing to believe in Jesus Christ, for or in respect of his or her religion, . . . shall be compelled to pay treble damages to the party so wronged or molested, and for every such offence shall also forfeit 20s sterling in money or the value thereof, . . . or if the party so offending as aforesaid, shall refuse or bee unable to recompence the party so wronged or to satsify such fine or forfeiture, then such offender shall

be severely punished by publick whipping and imprisonment during the pleasure of the lord proprietary or his lieutenant of chiefe governor of the province, for the time being without baile or mainprise."

The Assembly took good care to suppress in Maryland the billingsgate at that time so prevalent in petty religious controversies in England, and, therefore, it was further provided that a heavy fine should be imposed on any one who should denominate any person as "an Heretick, Schismatick, Idolater, Puritan, Presbyterian, Independent, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or other names or terms in a reproachful manner, relating to matters of religion, or speak reproachfully of the Virgin Mary, or should break the Sabbath by drunkenness, swearing, disorderly recreation, or work except when absolutely necessary."

Much has been written comparing the religious toleration of Maryland and Rhode Island. All forms of belief, whether Christian, Jew or infidel, were tolerated in Rhode Island. This is praised as being still more liberal than the Toleration Act of Maryland, which extended to Christians only, but it will be remembered that there were none but Christians in the Maryland colony, and perhaps it never occurred to the Assembly that other than Christians were not protected.

No thoughtful reader of history will imagine that Jews or unbelievers would have been persecuted in Maryland.

This Toleration Act was of distinctly Catholic origin, and it is believed that it was written by Lord Baltimore himself and that the Assembly adopted it, contrary to the usual practice. However it originated, the law was

passed by Catholics and stands alone as a monument to the liberality of the colonists of Maryland toward those who differed from them. It is a strange fact that the colony of Maryland was the only place where any person holding the religious opinions of a citizen of the United States at this date could find a peaceful refuge before the founding of the colony of Rhode Island. In fact it may be said that it was the only spot in the world where the unhappy divisions on religious questions were present and at the same time where men were living in peace.

In 1643 the assembly of Virginia decreed that persons who would not conform to the Church of England should be expelled from the colony. A large number of Puritans who had settled in Virginia and who refused to conform were then exiled. They took refuge in Maryland and were given free lands by authority of Lord Baltimore, and founded the town of Providence, now Annapolis. They were Independents of the strictest sect and had many doubts and misgivings as to whether they should suffer themselves to live under a proprietary government so completely at variance with their ideas of religion.

Wm. Hand Browne in his History of George and Cecelius Calvert describes the feeling of unrest manifested by these Puritans:

"They were hardly well warm in their new abodes, when they began raising difficulties about the terms under which they held them, alleging scruples of conscience to this and to that, and in particular to the oath of fidelity—though really that seems an over-niceness, since no scruple, apparently, intervened to prevent their breaking it when taken. The fact also that the government which they had agreed to support, was bound not

to molest Roman Catholics, caused them many searchings of heart lest they should be incurring the guilt of permission. Singularly enough, the simple remedy of abandoning lands which they could not hold with an easy conscience seems not to have occurred to them." 1

Almost at the same time that the Toleration Act was passed in Maryland the Puritans in England overthrew the authority of Charles I and Oliver Cromwell became Lord Protector of the Commonwealth. In 1652 a party of these fierce sectaries from Virginia, headed by the irrepressible Claiborne, invaded Maryland and Claiborne, delighted with his opportunity, took possession of Kent Island. About this time Robert Ingle, a sea captain, was arrested and imprisoned by the authorities of Maryland and Mr. Cornwaleys, one of the commissioners who originally came with the colonists, procured the release of Ingle. But when the Puritan invasion occurred, Captain Ingle, forgetful of the kindness of his friend, plundered and carried away the property of Cornwaleys. Afterwards, when Cornwaleys sued him in England for damages, he pleaded successfully that he had plundered a papist and it was lawful to destroy or carry away the property of Catholics. The Puritans overthrew the government of Maryland and arrested and carried to England Fathers White and Copley. Father White was put upon his trial in England under Statute 27 Elizabeth "for being ordained abroad and then coming into the Kingdom," but was acquitted on the ground that he did not voluntarily come to England. He was afterwards exiled to Belgium where he spent the remainder of his old age.

No sooner had the Puritans obtained full control of the Government than they convened an assembly from

1—p. 139.

which Catholics were excluded and in October, 1652, the Assembly met and among its first acts was "An Act Concerning Religion," as follows:

"It is enacted and declared in the name of his Highness the Lord Protector, with the consent and by the authority of the present General Assembly, that none who profess and exercise the Popish religion, commonly known by the name of the Roman Catholic religion, can be protected in this Province by the laws of England formerly established and yet unrepealed, nor by the government of the Commonwealth of England, Scotland and Ireland and the dominions thereto belonging, published by his Highness, the Lord Protector, but are to be restrained from the exercise thereof.

"Such as profess faith in God by Jesus Christ (though differing in judgment from the doctrine, worship and discipline publicly held forth) shall not be restrained from, but shall be protected in the profession of the faith and exercise of their religion, so as they abuse not this liberty to the injury of others, or to disturbance of the public peace on their part. Provided that this liberty be not extended to popery or prelacy, nor to such as under the profession of Christ hold forth and practice licentiousness." 1

The "holding forth and practicing of licentiousness," as referred to in the last clause in the act, had reference to persons who exercised the privilege of thinking and believing what they pleased in religious matters. These were denounced with the same degree of vindictiveness as Catholics.

Lord Baltimore appointed Thomas Stone, a Protestant, as governor of Maryland and instructed him to secure possession of the government. Governor Stone

1—Browne, p. 147.

took the field with a small body of the adherents of Baltimore, but was defeated by the Puritans. The Puritans celebrated their victory by deliberately shooting four of their prisoners and Fuller, their leader, who would have executed many more had not the soldierly spirit of his followers risen in rebellion, and he was prevented by his soldiers from carrying this cowardly design into execution. 1.

Oliver Cromwell, who was then in full sway in England, was very much displeased when he heard of the affairs that were transpiring in Maryland. In January 1654 he wrote, at the request of Lord Baltimore as well as Lord Bennett, who was a leader of the Puritans:

"We, therefore, at the request of Lord Baltimore, and of divers other persons of quality here, who are engaged by great adventures in his interest, do, for preventing of disturbances or tumults there, will and require you and all others deriving any authority from you, to forbear disturbing the Lord Baltimore, or his officers or people in Maryland; and to permit all things to remain as they were before any disturbance or alterations made by you or by any other upon pretense of authority from you, till the said differences above mentioned be determined by us here, and we give further order therein." 2.

The Puritans knew however, that Oliver Cromwell was deeply engaged in affairs at home and could not give his personal attention to regulating the colonies, and being at such a distance from England, they presumed that the excesses committed in Maryland would not be heard of or might be explained if formal accusation were made before the Lord Protector. Cromwell,

1—Browne, p. 149.
2—Id., p. 152.

hearing of further disturbances wrote again in February 1655, but his communication was so mysterious and equivocal that no one could say with satisfaction what he meant. He intimated that the whole matter was under consideration in England.

A Committee was appointed to investigate the affairs of Maryland and report to the British government, and the report was in favor of Lord Baltimore. Then an agreement was reached by which Lord Baltimore was completely re-instated in his rights and authority, the proprietor agreeing not to try the insurgents and invaders in his courts, but to leave them to be tried in England. Strange to say, the Puritans required him to pledge himself never to assent to the repeal of the Toleration Act. 1.

On these conditions the Government was again surrendered to Lord Baltimore in 1657. On securing his government Lord Baltimore's first act was to provide for the widows and orphans of those who had lost their lives in his behalf. He ordered "that they take special care of those widows who have lost their husbands in and by the occasion of the late trouble. . . . be supplied out of such rents and other profits as are due to his Lordship, and can be got, for their present relief and subsistence in a decent manner, in case they stand in need thereof; and that they let his Lordship know wherein he can do them any good there in recompense of their sufferings of which his Lordship is very sensible." 2.

On November 30th, 1675, Cecelius Calvert, the second Lord Baltimore and founder of Maryland, died at the age of sixty-nine. His life had been full of care

1—Browne, p. 156.
2—Id, p. 158.

and anxiety. His struggles against his enemies and his heroic efforts for the preservation of his colony prove him not only a man of sublime patience and courage, but of the most commanding character. The colony of Maryland was of little advantage to him in a financial way. Although it grew and prospered, the nominal rent that he received from his great estate scarcely paid the expense he incurred in defending it through the years of persecution that are a part of the history of Maryland. He found treachery where he expected friendship, ingratitude where thanks were due, and disappointment where he confidently expected the realization of his hopes. Under his just and charitable rule the colony of Maryland flourished. Until the coming of the Puritans there was perfect peace throughout the colony.

From the beginning the laws of Maryland required persons of various religions even to speak of each other with the greatest respect. Heavy penalties were inflicted for disturbing religious services. The occasional friction between the various elements of the colony, instead of harming them, taught them to rely upon the law as their friend, and to abide by it for their safety, and to foster the spirit of justice and liberty.

The history of Maryland is without events of great importance from the death of the second Lord Baltimore until the overthrow of the House of Stuart in 1688. When it became fully known that the Catholic King of England had been dethroned and that William and Mary, representing the triumph of Protestantism, had become King and Queen of England, disturbances again commenced in the colony of Maryland.

John Coode, a turbulent spirit, who had been ordained as a minister of the Church of England, but was later convicted of atheism and blasphemy, called a conven-

tion in Maryland which drafted certain charges against the Catholics and these charges were immediately forwarded to King William. Among other things these charges stated: "In the next place Churches and Chappells, which by the said charter should be built and consecrated according to the Ecclesiasticall Lawes of the kingdom of England, to our great regret & discouragement of our religion, are erected, and converted to the use of popish Idolatry & superstition, Jesuits & Seminarie priests are the onely incumbents for which there is a supply provided by sending popish youth to be educated at St. Ormes (sic) and severall children of protestants have been committed to the tutelage of papists and brought up in the Romish superstition and the seizure and apprehending of protestants in their homes with armed forces consisting of papists, and that in time of peace thence hurrying them to prison, etc." 1

Acting upon these charges William and Mary revoked the charter of Maryland and made the colony a royal province in 1691. Sir Lionel Copley was sent over as Governor. Again the Assembly was convened, Catholics excluded, and while its first act recognized William and Mary as king and queen of England, no time was lost in passing an act concerning religion, entitled "An Act for the Service of Almighty God and the Establishment of Religion in this Province." It was now the turn of the Church of England and the Puritans, who so lately had control, were to feel the heavy hand of the new establishment, no less than the Catholics. Maryland was divided into parishes and the whole people were taxed for the support of the Church of England. St. Mary's County, where the colony was founded and where religious liberty had its first home, and its only

1—Scharff. Hist. Md., 1, pp. 311-313.

home under the stars, was divided into two parishes and out of the excess of loyalty, one was called "William and Mary" and the other "King and Queen." The capital of the colony was removed from St. Mary's to Annapolis. By this new act there was no toleration for any one who dissented from the Established Church, but in 1702 an act was passed for the relief of the Puritans, by which they were given the privilege of worshiping as they pleased. In 1704 a more determined effort was made to suppress the Catholic Church. A fine of fifty pounds and six months imprisonment was provided for conducting a Catholic service in the province. The fourth section of the act provided that a Catholic youth, if he failed to take an oath abjuring his religion, within six months after attaining his majority, should be incapable of inheriting lands by descent, and his next kin, being a Protestant, should take the inheritance. A Catholic, under this act could not purchase lands or send his children abroad, under penalty of a fine of one hundred pounds. This law caused such a ferment in the colony that the Assembly was convened and suspended the operation of the act for eighteen months, to this extent only, that a Catholic service might be conducted in a private house of a Catholic family. 1

The Committee for Trade Plantations, an eminently respectable body of merchants in England, petitioned Queen Anne, who had recently ascended the throne to suspend the operation of this act in Maryland, and the queen ordered the Governor to direct that the act be suspended so that private Catholic service might be conducted in private houses during the pleasure of the queen; and in 1707 the Assembly passed a law by which

1—Hist. Catholic Church in U. S., John Gilmary Shea, Vol. 1, p. 360. Bacon's "Laws," 1704, ch. 9.

the act was suspended to that extent during the pleasure of the sovereign. This law remained in force until the Revolution, and was accountable for the great number of private chapels in the houses of Catholics, which afforded the people an opportunity to attend mass in those days.

After the removal of the capital, the town of St. Mary's declined steadily. Nothing at this day remains to mark the spot where the colony of Maryland was founded except a Protestant Church, built with money wrung from the people by law, and out of the materials of the first Catholic Church in Maryland and the Governor's house which were torn down to furnish bricks for the edifice. 1.

When the Acadians were exiled from their homes in Nova Scotia and scattered among the English colonies, about nine hundred of the unfortunates were landed in Maryland. Such were the fanatical efforts to suppress Catholicism, that the governor issued an order to the magistrates to warn all Catholics not to entertain or shelter the French exiles in their homes under penalty of law. 2.

These passing glimpses of the history of Maryland and the various laws that were established from time to time for its government, will aid the reader of this day to realize how earnestly its people desired independence from England. Perhaps the memories of those persecutions were not forgotten by the men who formed the famous "Maryland Line" and who rendered disinguished service on every battle field of the Revolution from Long

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1—Hist. Catholic Church in U. S., John Gilmary Shea, Vol. 1, p, 434.

2—Id., p. 349.

2—See letter of Chas. Carroll, Sr., to his son of July 26th, 1756, post.

Island to Yorktown, and whose courage and fortitude in that heroic struggle forms one of the most glorious chapters in the history of America. And we can more fully appreciate the splendid character of the American people who within a year, and almost within a day, swept away every vestige of those abominable laws and established civil and religious liberty forever.

A consideration of these facts in the history of Maryland will further aid us in understanding the lives of many of its distinguished citizens, especially those who were Catholics, and more fully to appreciate their high character and their unswerving devotion to the principles of American liberty.

CHAPTER II.

CHARLES CARROLL OF CARROLLTON.

The Carroll Family—Charles Carroll, Grandfather of Charles Carroll of Carrollton Comes to Maryland—His Correspondence—The Second Charles Carroll—Birth of Charles Carroll of Carrollton—His Childhood Training—Is Sent to St. Omer's—Letters from his Father—Is Sent to Rheims—His Studies in Paris and Bourges—Completes his Studies in England and Returns to Maryland—The Stamp Act—His Controversy with the Secretary of the Colony—The Burning of the "Peggy Stewart"—He Visits the Continental Congress—Is a Member of the Committee—His High Appreciation of Washington—He is Sent to Canada by Congress—His Journal of His Visit to Canada—Friend and Companion of Dr. Franklin—Accompanied by Bishop Carroll—His Return to Maryland—His Efforts for Independence—His Great Influence in the Maryland Convention—Is Elected Delegate to Congress—Immediately Appointed as a Member of the War Board—Signs the Declaration of Independence—His Difficulties with Foreign Officers—His Correspondence at this Period—The Conway Cabal—His Great Friendship for Washington—Conway's Letter—Is Elected Senator from Maryland—The First Congress—Champion of Religious Liberty—His Retirement from the Senate—Incidents of His Old Age—Doughoregan Manor—His Death and Burial.

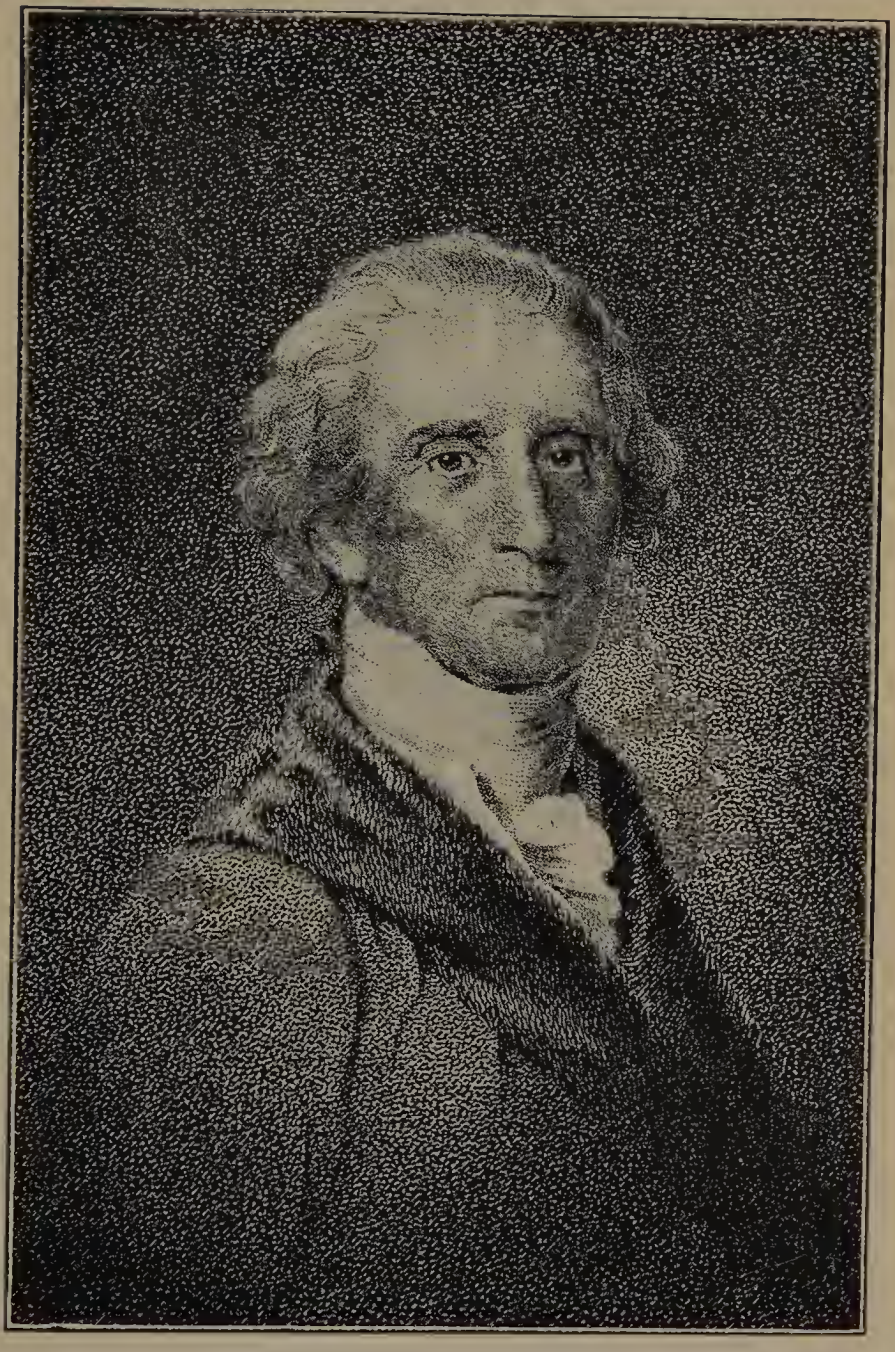
In 1688, when the short and troubled reign of King James II of England was drawing to a close, Charles Carroll, the grandfather of Charles Carroll of Carrollton, was secretary to William Herbert, Lord Powis, one of the King's ministers. He was a descendent of an illustrious Irish family and traced his lineage to the O'Carroll's, Kings of Ely, in Kings County, Ireland. It was a privilege of Catholic young men to study the law, during the reign of James II, and from an old record it

appears that Charles Carroll had been "entered of the Middle Temple" and had been called to the bar. From the universal clamor in England against Catholics holding office, it became apparent that the young man's position was in jeopardy, and when in 1687 King James II had published his "Declaration of Conscience" proclaiming religious liberty to all sects of Protestants as well as to Catholics in England and Scotland, and again published this declaration in 1688, such a strong feeling of indignation resulted because it included Catholics, that a revolution ensued in which James II was dethroned and banished, and William Prince of Orange was invited to invade England with an army. While the excitement incident to these events was prevailing, the kindly minister in whose employ young Carroll was discharging the duties of secretary, advised the young attorney to emigrate to Maryland. "Young man I have a regard for you" he said, "and would be glad to do you a service. Take my advice; great changes are at hand, go out to Maryland. I will speak to Lord Baltimore in your favor."

Charles, the third Lord Baltimore, also remained in England and through the kind offices of Lord Powis, Charles Carroll was introduced to the Proprietor and at once found favor. Lord Baltimore gave him a commission as Attorney General of Maryland and on the first day of October 1688, he landed at Annapolis. The young Attorney relied upon the charter of Maryland for the stability of the government and did not dream that within a year or two, all that had been accomplished for liberty in the colony of Lord Baltimore would be ruthlessly overthrown. We have seen in the history of Maryland, how, in 1691, the charter was annulled and Maryland became a royal province. Sir Lionel Copley, the governor sent

forth by William and Mary, administered the government of the colony with a high hand. Officers who held their commissions under the former government and remained firm to their oaths of office were imprisoned or banished. Carroll soon found himself in prison for speaking disrespectfully of the government. Records are obscure as to his adventures at this point in his career, but the reader may well imagine the feelings of the young man of aristocratic birth and breeding, carrying with him the commission of the Proprietor, when treated as a criminal and deprived of every privilege that had been guaranteed to the colonists of Maryland.

When the Proprietary government ceased to exist, Lord Baltimore was not deprived of his ownership of the soil of Maryland. He still collected the revenues subject to heavy taxes and imposts and by retaining the title to the land was at liberty to sell and dispose of it and to appoint officers for the purpose of transacting such business. He appointed Charles Carroll Judge and Register of the Land Office, a very lucrative and responsible position. Such was the charm of Carroll's manner and the excellence of his character, that Charles Lord Baltimore requested that he fix his residence near that of the Proprietor in order that Lord Baltimore might enjoy his companionship, for it seems that at that time it was the intention of his Lordship to make his home in the colony. Lord Baltimore seems to have been exceptionally generous to the young attorney since it appears from the ancient records of the Land Office that he bestowed several thousand acres of land upon him, including "two lots of ground in the port of Annapolis," which afterwards became one of the city homes of himself and his descendants, for all of which he paid a nominal quit rent.



CHARLES CARROLL OF CARROLLTON.
From a portrait by Field.

In 1693 Charles Carroll was married to Mary Darnall, a native of Maryland and highly connected. Among the ten children that were born of this union was Charles Carroll, the second son, and father of Charles Carroll of Carrollton. According to a custom then prevailing among Catholics in the British Empire young men were sent to France to be educated at the college of the English Jesuits at Saint Omer's. Charles and Daniel, the two eldest of the family, became students in that institution as early as 1719. The first of the famous series of letters written by members of the distinguished family and still preserved was written by Charles Carroll to these two students of Saint Omer's.

"Maryland, July 7th 1719.

"Sons Charles and Daniel:

"I suppose you have before this time, had the afflicting news of your Brother's death, within about six days Saile of the Capes of Virginia as he was Coming in, it was upon the 10th day of April last, I hope you both know your duty, upon so lamentable an occasion, the most that you and I or any other of his relations and friends can do for him now, is to pray for the repose of his Soul, wherein I desire you will not be deficient nor in minding of the Sodallity whereof he was a member of what is usuall to be done on such occasions.

"I have desired Mr. Kennett to remitt your Rector, Ten pounds to be by him Imployed after the best manner that such an occasion requires.

"Pray give my kind respects to the Rector and the rest of the good family there, and acquaint him that I continue you and your brother your usuall allowance besides defraying any necessarys or Journeys or otherwise and the same Shall be remitted him as your pensions are. I do design provided I hear you do well, that you shall

not be behind hand in my Esteem, with your Brother and therefore desire you will vigorously prepare for the defence of your Universall Philossophy, if the Rector and your Professor approves thereof, who shall be furnished with the necessary Expense, but if they do not think that you can go Through it with applause, it is better lett alone.

"Your Mother designs next Spring to go with your two sisters either to Graveling or Dunkirt (Dunkerque)-when She is there I doubt not, but a good nature and affection She has for her children will Induce her to See you and your brother, but I should think it more Convenient and less fatiguing to her; that upon her giving you Notice of her arrival—and appointing you a time to meet her at Saint Omers you would do so if it Should not prove an Interruption to your preparation for your defension, but I must leave that matter to her and you.

"I have nothing more to say to you, save only to recommend an exact desipline both as to your Eternall welfare and Virtuous demeanor in this life . . . and conclude.

Your affectionate Father,

CHARLES CARROLL." 1.

The first Charles Carroll died July 20th, 1720, and, in accordance with the law of Maryland, the second Charles Carroll, the eldest son, inherited the vast estates of his father, and returning from his studies an accomplished gentleman and thorough scholar took up his residence in the colony. Although the Carrolls were among the wealthiest people in the new world, some notion of the frugality of that day may be had from the family accounts that are still preserved. Those who rebuke the

1—Unpublished Letters of Charles Carroll of Carrollton and of his father, p. 231.

extravagance of modern funerals will find an appropriate text in the itemized expense account of the respects paid the remains of Eleanor Carroll, a spinster of the family who died in 1734. "The coffin cost three pounds; and twelve shillings was paid to the person who carried the remains in a chaise to the cemetery." 2

The second Charles Carroll married Elizabeth Brooke of the family from whom descended Roger Brooke Taney, Chief Justice of the Supreme Court of the United States, and on September 19th, 1737, at Annapolis, to them was born Charles Carroll, destined for immortality as a signer of the Declaration of American Independence.

If the law of ancient Sparta, by which all puny children were left to perish on the mountain side, was in force in Maryland, his career would soon have ended, for the last surviving signer was extremely delicate and gave but little promise of a long life. Records afford us very little of the history of his childhood. The first account given of him is at the age of ten, when he was sent to study at an academy established by the Labadist Fathers at Bohemia in Maryland and near the Delaware line, convenient for flight in case of persecution. In control of this humble institution was Father Herman, a pious and earnest man, and about forty pupils were in attendance. With Charles Carroll at Bohemia was his distant relative of a less distinguished family, John Carroll afterwards first Bishop of Baltimore, whose diocese included the whole United States.

After spending a year at the little academy, and preparing for graver studies, the boys were dispatched to St. Omers according to the ancestral custom. A quaint oil painting still hangs on the wall of Doughoregan

2—Carroll Papers, Scharf Collection, Johns Hopkins University.

Manor House, showing the departure of young Charles Carroll.

The colonial colleges and universities of that day did not accept Catholic students, or rather if a Catholic student attended, he was required to conform to the worship prescribed by the faculty of the institution. This exclusion, however, worked to their advantage, inasmuch as they were sent to foreign universities, and the privileges of coming in touch with the polite and learned society of Europe, together with the advantages of travel and observation as well as the opportunity of acquiring the modern languages by conversation, gave them an education which could not have been successfully acquired in America.

In the English College of St. Omer's an admirable practice was in vogue which was of great advantage to young men who afterwards were called to discharge the duties of public life, it being the custom of the rector to require students to speak extemporaneously after dinner on any subject he might choose for them. The young Carrolls were frequently called upon to speak in the presence of the most distinguished company, and became justly celebrated as extemporaneous speakers.

A beautiful correspondence touching a variety of subjects was conducted between the father and son during the absence of Charles Carroll of Carrollton in Europe.

The dignified correctness of style and the deep philosophy of the advise given in these letters would seem rare in our day. The father wrote as follows:

"October 10th, 1753.

Dear Charley:

"I received your several letters of August 30th, December 20th, 1752, and March 6th, 1753, which are all most welcome to me, and altho' a hurry of business prevents

my often writing to you, you may be assured you are always in my thoughts and I most earnestly wish your happiness. As you have no such avocations I desire I may often hear from you.

"Your opinion of Europe and the people there will be much altered when you return to your native country. Fops are the objects of contempt and ridicule everywhere, but it is from the fine gentlemen you are to take example. Dear child, I long to see you, but I did not send you so far only to learn a little Greek and Latin. Where you are you can only lay a foundation for other studies which may hereafter be profitable to yourself and useful to your friends. When you have gone thro' them the rest of your life will be a continued scene of ease and satisfaction if you keep invariably in the paths of truth and of virtue. The husbandman annually repeats the toil of dressing, plowing and sowing for his harvest. When you have completed higher studies your toil will be over, and your harvest will daily and always come in. I am very glad to see you are so sensible of the advantages of a virtuous education, and that you are resolved to make the best of it. Mr. Wappeler informs me you are third in your class, which gives me great pleasure, and as your judgment unfolds itself and ripens, I expect to hear of your still rising: *Aut Caesar, Aut Nullus.* The ambition to excel in virtue and learning is laudable.

"We are still threatened by our Assembly, but I hope by the interposition of our friends in London, it will not be in their power to hurt us. A continual calm in life is no more to be expected than on the ocean.

"Pray present my humble services to your Master, whose care of and kindness towards you deserve greater acknowledgments from me than I have power to repay. I am under the same obligations to Mr. Wappeler and

Newton, which pray let them know with my humble service and compliments to them. I desire also my compliments to Mr. Falkner, and am very glad to hear he is contented in his station. If you please, he may be of service to you in arithmetic. Jacky, I suppose, is gone up the hill. Remember me to Watty, Mr. Warring and all the Marylandians. Your mama, Grandmama, aunt Jenny and all yours friends in general are well. I hope the books got safe to you, and that Cicero's life has in particular given you pleasure.

"You entered into the 17th year of your age on the 19th of last month, being born the 8th of September, 1737, old stile. Your judgment, therefore, will enable you to enter into the reason of the rules and lessons you are learning. Children learn like parrots, memory and practice aid them chiefly, but men of sense do not content themselves with knowing a thing, but make themselves thoroughly acquainted with the reasons on which that knowledge is founded. I beg you will carefully observe this in your present and future studies. Memory may fail you, but when an impression is made by reason, it will last as long as you retain your understanding.

"I cannot wish to have a better account of you than what I have from Messrs. Carvall, Wappeler and Newton, and I doubt not you will daily merit it more and more. If you do it will afford me the greatest comfort and satisfaction and increase the love I have for you.

I am, dear Charley,
most affectionately your father,
CHARLES CARROLL." 1.

From a letter written September 30th, 1754, we derive some notion of the boy's tastes.

1—Life and Correspondence of Charles Carroll of Carrollton. Rowland I, p. 20.

"You say you do not like poetry nor succeed in it as well as in your other studies. This will find you at Rheims. You will there enter upon a new stage and enjoy a greater degree of Liberty than you have hitherto had. I trust that your conduct may be instructive and edifying to your schoolfellows.

"It gives me great pleasure that you are so exceedingly fortunate as to have your cousin, Anthony, with you who can so much better serve you. Cherish and be thankful for the blessing, and to show that you are so, behave always with all possible respect towards him. Never be on the reserve with him, or backward in asking his advice in everything, though to you seemingly insignificant. Look always upon him as your Friend and not as your tutor." 2.

In a letter of July 26th, 1756, the father gives a pitiful account of the exiled Acadians:

"Accordingly ever since the treaty of Aix-la-Chapelle the French have been encroaching on the English in Novia Scotia. They made some settlements at St. John's River in the Bay of Fundy, or as the French call it, Baye Francois; they erected forts on the peninsula between Bay Vert and Beaubasin. The English last summer took these places from the French by forces sent from New England, with little loss, and have removed all the French neutrals in Nova Scotia, some say to the number of 12 or 15,000 souls, to their different colonies on the continent, where they have been treated with more or less humanity. It has been the misfortune of 900 and odd of these people to be sent to Maryland, where they have been entirely supported by private charity, and the little they can get by their labor, which for want of employ-

2—Life and Correspondence of Charles Carroll of Carrollton. Rowland I, p. 22.

ment has been but a poor resource to them. Many of them would have met with very humane treatment from the Roman Catholics here, but a real or pretended jealousy inclined this government not to suffer them to live with Roman Catholics. I offered the government to take and support two families consisting of fourteen souls, but was not permitted to do it.

"The case of these poor unhappy people is so hard that I wonder it has not been taken notice of by some of our political writers in England. They, since the Treaty of Utrecht have been permitted to enjoy their property and possessions upon taking an oath of allegiance to the King of England.

"This oath they say they have never violated, the truth whereof seems to be confirmed by the capitulations of the forts of Beaubasin, by an article whereof the neutrals taken in these forts were pardoned as being forced by the French under the pain of military execution to take up arms. However, their fidelity was suspected and they have been sacrificed to the security of our settlements in her part of the world. They have neither been treated as subjects or enemies; as subjects they were entitled to the benefit of our laws, and ought to have been tried and found guilty before they could be punished, and to punish them all, all ought to have been tried and convicted. If they are deemed enemies they ought to be treated as such and maintained as prisoners of war. But no care has been taken here in that respect.

"These poor people for their numbers were perhaps the most happy of any on the globe. They manufactured all they wore, and their manufactures were good; they raised in great plenty the provisions they consumed; their habitations were warm and comfortable; they were

all upon a level, being all husbandmen, and consequently as void of ambition as human nature can be. They appear to be very regular and religious, and that from principle and a perfect knowledge of their duty, which convinces me that they were blessed with excellent pastors. But alas, how is their case altered? They were at once stripped of everything but the clothes on their backs: many have died in consequence of their sufferings, and the survivors see no prospect before them but want and misery." 1.

During that time what is known as the French and Indian War in American history was in progress between the armies of France and England on the American continent. This terrible struggle between a Catholic and a Protestant power placed the Catholics of Maryland in an exceedingly delicate position. The spirit of persecution was raging fiercer than ever, and Charles Carroll, the father of the signer, intended leaving Maryland and settling in the French province of Louisiana, which then included all that part of the territory west of the Mississippi which was afterwards purchased from France. Strange as it may seem it was his purpose to settle near the mouth of the Arkansas River. Having never visited that region he was, of course, ignorant of how unsuitable a location it presented at that time for a colony. July 14th, 1760, he wrote:

"My father directed I should go to the temple, but he, dying just as I had finished my Philosophy, my friends thought my presence necessary in Maryland and that I might study law there. I attempted it, but to no purpose.

"Maryland was granted to Cecelius, Lord Baltimore, a Roman Catholic. All persons believing in Jesus Christ

1—Rowland, p. 28.

were by the charter promised the enjoyment not only of religious but civil liberty and were entitled to all the benefits lucrative places, etc. It was chiefly planted and peopled in the beginning by Roman Catholics; many of them were men of better families than their proprietary; these privileges were confirmed by a fundamental and perpetual law past here, and all sects continued in a peaceful enjoyment of these privileges until the Revolution,* when a mob encouraged by the example set them by England rebelled against Lord Baltimore, stripped him of his government and his officers of their places. Then the crown assumed the government, the Toleration Act as I may call it, was repealed, and several acts to hinder us from a free exercise of our religion past. Benedict, Lord Baltimore, the present Lord's father, succeeded, and the people here making a handle of the rebellion of 1715, enacted laws enjoining all the oaths taken in England to be taken here, and disqualified any person from voting for members to represent them in our Assembly who would not take these oaths and many other scandalous and oppressive laws.

"From what I have said I leave you to judge whether Maryland be a tolerable residence for a Roman Catholic. Were I younger I would certainly quit it; at my age (as I wrote you) a change of climate would certainly shorten my days, but I embrace every opportunity of getting rid of my real property, that if you please you may the sooner and with more ease and less loss leave it. However, my most valuable lands and slaves shall be kept to the last that you may choose for yourself, and make yourself as happy as possible. It is my greatest study and concern to make you so." 1.

1—Rowland, p. 43.
*Revolution of 1688-9 in England.

After a second year of study as St. Omer's and about the year 1751, young Carroll was sent to the Jesuit College at Rheims and after spending about two years at that famous institution he followed up his studies at the College of Louis Le Grande in Paris. It was customary for Catholic students to study the civil law in those days—the law of ancient Rome, Christianized and adopted in Catholic countries. It was at Bourges, a seat of learning where the civil law was a subject of particular study, that Charles Carroll completed a course in this branch of the law beginning in 1755. He returned to Paris in 1757. It was probably during his sojourn at Rheims that he received the following affectionate letter from his mother.

"October 30th, 1754.

Dear Charley.

"I have not received a letter from you since I wrote to you last, which was about this time twelvemonth; your Papa has received two from you since, which gave us ye greatest pleasure. I suppose you will be at Rheims when this reaches you; let me know how that place agrees with you and how you like it. I still insist on having your Picture and imagine you won't meet with any difficulty in getting it drawn where you are. Your Papa's love for you is so great and he is so well pleased with your diligence, improvement and good dispositions that he is inclined to do everything for your satisfaction and advantage and we have reason to believe that you will continue to deserve our tenderness and care—which gives us the greatest comfort imaginable. Your grand Mama and all other friends are well and desire to be kindly remembered to you. I desire, my Dear, that you will be particular in your writing to me. I am impatient to see you and hope, my Dear Charley, as you do, that

a few years more will bring us together. I have my Health, I thank God, very well and so has your Papa, which I know will be agreeable to you to hear. I pray God to protect you. I am,

My Dear Child,
Your Affectionate Mother,
ELIZABETH BROOKE CARROLL." 1.

In 1758, having finished his studies in France, Charles Carroll went to England for the purpose of studying the common law. It was the desire of his father that he should master the law, not for the purpose of practicing it as a profession, but as an aid to the protection of his rights as the owner of a vast property. It was planned that the son should spend the next four years as a student in the temple. This was the era of famous men in England. Edmund Burke, George Fox, the elder Pitt and Richard Brinsley Sheridan, were at the high tide of their fame as members of Parliament. Dr. Johnson, the foremost English philosopher of his age was then in his prime. At a popular inn, called the Crown & Anchor, it was the privilege of the young man to meet many of these great characters, and during the interval of his leisurely studies he listened to the debates in the House of Parliament. Edmund Burke, the first of all orators, admired the Maryland student and often invited him to dinner and in the coffee room of the Crown & Anchor he might have heard the conversation of Dr. Johnson and Boswell.

The student's life was not without its romance, and it is written that he became deeply attached to the beautiful daughter of Joseph Baker, Esq., who owned a fine estate at Ryegate. It seems that there was no objection

1—Unpublished Letters of Chas. Carroll, etc., p. 20.

made to the match, but his father, the elder Carroll, wrote:

"I hope Miss Baker may be endowed with all the good sense and good nature you may say she has. Giving this for granted you have my full consent to pay your addresses to her. I hereby again bind myself to comply with what I promised in the letter relating to the settlement to be made on your wife."

Last it might appear to the members of the Baker family who, it seems, were wealthy, that the young man might have the motive of improving his fortunes, the father sent him a further statement of the estate he intended to bestow upon him, for unquestionably the father, Charles Carroll, was the richest man in America. According to this letter, the value of the father's estate reached the astonishing figure of nearly a half million dollars, including forty thousand acres of land.

A student of the Temple of that day required a high exercise of virtue to preserve the dignity and the simplicity of manners necessary for the acquisition of deep learning. Drunkenness and gambling were indulged in by men of all classes of society. Horse racing had become the most fashionable sport, and fencing was considered necessary to a gentleman's education; and this, together with the dissipation of young gentlemen, led to altercations and duels from which death often resulted. The tastes of Charles Carroll of Carrollton were on the side of simplicity. "I hear that you dress plainly," the father wrote, "and I commend you for it." And although it was the era of gold laced coats, fancy canes, gold snuff boxes, powdered wigs, and all the finery that has been immortalized by the brush of Sir Joshua Reynolds, nevertheless young Carroll preserved a dignity of demeanor and a modesty of attire which when compared

with the extravagance of other young men of his fortune, spoke well for the training he had received at St. Omer's.

To complete the study of law it was necessary for the student to enter what was known as "the Inner Temple," and it was customary at that day for the students to make boon companions of each other.

In another letter he writes:

"The being entered of the Temple is a necessary and preparatory step to the ceremony which, though a ceremony, is an opening to all preferments in the law; 'tis attended with no other advantages, but many and great inconveniences; the chiefest is the frequenting loose and dissolute companions. For this reason I have resolved not to enter myself of the Temple—to what purpose? Why should I expose myself to danger and be at needless though small expense without any view or hope of profit and advantage?"

It does not appear that Charles Carroll of Carrollton was ever called to the bar. The law as a profession was not suited to his taste, but his study of the common law and the constitutional history of England was of the greatest value to him in the work that he was later called to perform. Having finished his studies at the age of twenty-eight, the future signer returned to Maryland, landing at Annapolis, February 12th, 1765.

There were few men in America, if any, who had so many accomplishments. He had a critical knowledge of the ancient and modern languages, and could converse in French as fluently as in English. His mind was stored with a deep and thorough knowledge of the poetry, oratory and philosophy of the ancient Greek and Roman masters, and by the gift of nature he was mas-

ter of a lucid and correct style of speaking as well as writing. His character as a student is well stated by his teacher.

"CHARACTER OF MY SON. BY MR. JENISON, HIS MASTER."

"Tho' I am not in a disposition of writing letters, having lost this morning the finest young man, in every respect, that ever enter'd the House, you will, perhaps, afterwards, have the pleasure of assuring yourself by experience that I have not exaggerated Charles Carroll's character in the foregoing lines. The Captain will be able to give you, I hope, a satisfactory account of him. 'Tis very natural I should regret the loss of one, who during the whole time he was under my care, never deserved, on any account, a single harsh word, and whose sweet temper rendered him equally agreeable, both to equals and superiors, without ever making him degenerate into the mean character of a favorite which he always justly despised. His application to his Book and Devotions was constant and unchangeable, nor could we perceive the least difference in his conduct even after having read news of his destination, which you know, is very usual with young people here. This short character I owe to his deserts—prejudice, I am convinced, has no share in it, as I find the public voice confirms my sentiments. Both inclination and justice prompt me to say more, yet I rather chuse to leave the rest to Captain Carroll, to inform you of by word of mouth." 1.

He came home without an English bride, however, and the further history of Julia Baker with the exception of some very respectful allusions to her in his correspondence, is not identified with the annals of Maryland. It was then his purpose to take possession of the

1—Papers of Charles Carroll, Sr.

tract of land called "Carrollton," that was bestowed upon him by his father, consisting of 10,000 acres in the fork of the Potomac and Monocacy rivers and which is forever associated with his name, although circumstances afterwards developed which seems to have interfered with his design. He never lived on the manor of Carrollton. Being debarred from holding public office, he, of course, had no ambition of that nature, and writing to his friend, Mr. Graves, he states his life's purpose as follows:

"Notwithstanding these disadvantages, and some other more personal and applicable to myself, my views reach not beyond the narrow limits of this province—so little is my ambition, and my bent to retirement so strong, that I am determined, leaving all ambitious pursuits, to confine myself to the improvement you recommend of my paternal acres. May I not enjoy as much happiness in this humble as in a more exalted station? Who is so happy as an independent man? And who is more independent than a private gentleman possessed of a clear estate, and moderate in his desires?" 1.

Little did he dream that the next few years would be thronged with events that should become the classic history of the American continent. The very year that he returned from Europe the Stamp Act, which was the first measure of oppression on the part of Great Britain, was passed by the Parliament. It created as much excitement in Maryland as in any other colony. The passing of this Act revealed also that the Parliament of England assumed the right to tax the colonists without their consent, and although the amount to be paid for stamps was comparatively trifling, yet the intelligent colonists at once realized that if a small tax could be

1—Appleton's Journal, Sept. 19th, 1874, p. 353.

imposed upon them without their consent, a great tax might be levied with the same authority.

"The Stamp Act continues to make as much noise as ever," wrote Carroll. "The spirit of discontent in the people rather continues to increase than diminish.

"The Stamp-master of Boston has been obliged to resign his office; the house building here for the reception of the stamps has been leveled to the ground. Our stamp-master, Zachariah Hood, is hated and despised by everyone; he has been whipped, pilloried and hanged in effigy in this place (Annapolis), Baltimore and at the landing (Elk Ridge); the people seem determined not to buy his goods.

"His last dying speech has its humor; it contains, as most dying speeches, an account of his birth, parentage, and education." 1.

"September 28, 1765: Should the Stamp Act be enforced by tyrannical soldiery, our property, our liberty, our very existence, is at an end. And you may be persuaded that nothing but armed force can execute the worst of laws. Thus you see how necessary it is, at this critical juncture, to have cool, dispassionate, condescending men at the helm. It is sometimes with governments as with private men; they obstinately persevere from resentment and passion in measures which unbiased reason would condemn." 2.

"September 30, 1765: Nothing can overcome the aversion of the people to the Stamp Act and (overcome) their love of liberty, but an armed force and that too, not a contemptible one. To judge from the number of colonists, and the spirit they have already shown, and which I hope to God will not fail them on the day of

1—Appleton's Journal, Sept. 19th, 1874, p. 353.
2—Id.

trial, twenty thousand men would find it difficult to enforce the law; or more properly speaking to ram it down our throats.

"A great many gentlemen have already appeared in homespun and I hope soon to make one of the number. Many imagine the Stamp Act will be suspended for a time, till some expedient may be hit on to reconcile the exemption we claim from a parliamentary taxation, with the right and power asserted of late by the Parliament. If the act be suspended until such an expedient can be found, it will be suspended for all eternity.

"The colonies are far from aiming at independence. If, indeed, slavery and dependency be convertible terms —and if your government should not make the proper distinction, and should treat us, not as culprits composing a part of the same society, and entitled to same privileges with the rest, but should look upon us as slaves, and should use us as such, I believe every American would disdain that sort of dependency." 1.

The repeal of the odious Stamp Act restored quiet in the colonies for a time, but it fixed firmly in the minds of the people the principle that "taxation without representation is tyranny."

The marriage of Charles Carroll of Carrollton to Miss Rachel Cook was to take place in summer of 1766, but he became ill with a fever, and it was postponed until November, and then occurred what was perhaps the first grief of his life. The young lady was taken ill suddenly and died.

Among his letters written during this year are found many pathetic references to Miss Cook. Her death caused him such deep affliction that for a time he lost interest in the daily affairs of life. He bore his bereave-

1—Appleton's Journal, Sept. 19th, 1874, p. 353.

ment with truly Christian philosophy, not failing to resign himself with patience to the will of Providence.

Two years later he was married to Mary Darnall, whose family had been identified with the history of Maryland from its beginning.

The young lady was without fortune, but as Charles Carroll wrote in 1767, she was "endowed with every quality to make him happy—virtue, good sense, and good temper."

At that day a great part of the revenues of Maryland was derived from the fees collected through the land office. For many years the salaries of the colonial officers were paid by these fees. The salaries of the clergy of the established church were paid by collecting tithes, at an earlier date in tobacco and later in money. The law under which these fees were collected was to operate for a definite number of years only, and in 1770 when the act providing for these charges had expired, the Assembly of Maryland could not agree on a new law, and this state of affairs continued until 1771, when it appeared that fees could not be legally collected because the law had expired. Governor Eden took matters into his own hands and issued a proclamation requiring the officers to enforce the collection of fees at the same rate that was formerly provided under the statute. This was considered an act of usurpation and without warrant of authority and corresponding exactly to the conduct Charles I of England when he undertook to collect taxes without the consent of Parliament.

Daniel Dulaney was Secretary of the Colony. He sustained a reputation as a lawyer on both sides of the Atlantic and was considered even in England to be an equal of Pitt. To allay the state of indignation that was caused by the proclamation, Dulaney began writing a

series of articles for the Maryland Gazette, a newspaper published in Annapolis, in which two characters introduced as the "First Citizen," and the "Second Citizen," discussed the propriety of the proclamation, the "First Citizen" objecting to the proclamation as being illegal and tyrannical, and the "Second Citizen" defending it. And so skillfully was the discussion written by the able lawyer, that all of the arguments of the "First Citizen" were overthrown by the logic of the "Second Citizen." Charles Carroll of Carrollton assumed the character of the "First Citizen," and wrote an answer to all the arguments set forth by the "Second Citizen." A controversy ensued between Carroll and Dulaney, which was published in the Maryland Gazette. Much of the language is vindictive. Dulaney heaped vile abuse upon Carroll and referred to the disabilities that were placed upon him by law as a Catholic. Carroll skillfully avoided discussing legal technicalities with the formidable lawyer, but kept the discussion safely within the bounds of the English Constitution. It was the almost unanimous verdict of the reading public of Maryland that the defence of the proclamation by Daniel Dulaney was completely overthrown by the unanswerable logic of Charles Carroll. These articles, of course, would be dry reading at this date, but they contain many brilliant passages in which are foreshadowed the principles of American liberty. In this discussion Carroll showed himself to be, as naturally he would be under the circumstances, a vigorous champion of civil liberty.

In the course of one of these brilliant arguments, Carroll wrote this ringing declaration:

"There are certain fundamental laws essential to, and interwoven with, the English Constitution, which even a Parliament itself cannot abrogate. Such I take to be

that allowed maxim of the Constitution, that invaluable privilege, the birthright of Englishmen of being taxed with their own consent; the definition of freedom is the being governed by laws to which we have given our consent, as the definition of slavery is the very reverse."

This public discussion of the rights of the colonists at once brought Charles Carroll into prominence. He was regarded as the foremost champion of liberty in Maryland. The repeated attempts of England to tax the colonies without their consent were resented in Maryland with even greater spirit than in Massachusetts. The famous Tea Party of Boston in 1773, wherein a party of young men disguised as Indians threw overboard a ship load of tea in the harbor rather than have the commodity that was burdened with an unjust tax landed in their city, had its counterpart in the burning of the ship "Peggy Stewart" in the harbor of Annapolis. The British parliament was determined to compel the American colonists to pay taxes without their consent, and to break the spirit of the new world reduced the tax on tea until tea was cheaper in America than in England, to furnish the argument that British subjects in the colonies were taxed less than at home. But this had not the slightest effect on the minds of the American people.

In 1774 some merchants of Annapolis undertook to bring a consignment of tea from England and land it at the Maryland capital. The citizens of Annapolis entered into an agreement by which they bound themselves not to purchase any commodity on which a tax was levied by the British Parliament without the consent of the Maryland Assembly. Anthony Stewart, who had signed this agreement was the owner of the "Peggy Stewart," and having paid the duty on seventeen chests of tea which were brought from London on his ship, un-

dertook to deliver the tea to some merchants in Annapolis. The ship arrived October 15th, 1774, and the Citizens, learning that there was a consignment of tea on board, immediately held a meeting to protest against the unloading of the tea and to punish the owner of the "Peggy Stewart" who had transgressed the agreement. A committee was appointed to prevent the landing of the cargo and another meeting was called for the 19th of October. Mr. Stewart hastened to exonerate himself, and produced an affidavit of the captain of the ship stating that the captain had no knowledge of the fact that the tea was on board until he was leaving England. At the meeting on the 19th Anthony Stewart read a profound apology which had been written by the committee and which he signed promptly. In this statement he made a solemn promise to import no more tea. So intense was the feeling displayed that it was the sense of the meeting that nothing less would atone for undertaking to import the detestable article but the burning of the ship on which it was brought over. Destroying the tea, it was said, would merely punish its owner, and not the owner of the ship, who was the real transgressor. Acting under the advice of Charles Carroll of Carrollton, who was the leading spirit of the committee, Mr. Stewart, with his own hand set fire to the brig and his daughter, Peggy Stewart, for whom the ship was named, sat on the porch of her house and watched the vessel burning in the harbor to the water's edge. To this day among the legal holidays of Maryland is the 19th day of October known as "Peggy Stewart's Day."

When the Continental Congress met in Philadelphia in 1774, among those who visited to watch the proceedings of that famous body was Charles Carroll of

Carrollton. John Adams mentions the fact in his journal and from the interest that he took in Carroll it seems that the wealthy Marylander made a deep impression on the Massachusetts patriot. During the same year the Maryland Assembly removed the political disabilities of Catholics. Congress resolved against importations that involved taxes, and in each colony committees were appointed to carry into effect the resolutions declaring against all commerce with England in which any tax or duty was required to be paid. Forty-four persons constituted this committee in Maryland among whom was Charles Carroll, and on November 21st, 1774, a convention of delegates representing the people of Maryland met in Annapolis, among whom was the future signer. He was appointed by this convention to serve on important committees which were charged with the stern duty of resisting the tyranny of England. These committees met from time to time and secretly pledged themselves to support an armed resistance to Great Britain and to resist with all the power of the people against conducting any commerce with the mother country. Committees of safety were appointed in each county and among the names of the committee of the West Shore we find that of Charles Carroll of Carrollton. The work of these committees was to provide ammunition for the soldiers who were to fight the battles of the revolution, to erect powder mills and salt-peter works, to manufacture muskets and provide all the necessary material for warfare.

A letter from Charles Carroll of Carrollton to Washington about this time shows the high esteem of Carroll for the great Virginian. It was written to introduce John Ross Key, the father of Francis S. Key, author of the "Star Spangled Banner":

"ANNAPOLIS, 26th of September, 1775.

Sir:—At the request of the bearer, Mr. Key, I have presumed to trouble you with this letter, to introduce to your notice and countenance, that young gentleman, who, I flatter myself, will endeavor to deserve your good opinion and favor. Should hostilities be suspended, and a negotiation take place this winter, I hope to have the pleasure of seeing you in this city on your way to Virginia. If a treaty is but once set on foot I think it must terminate in a lasting and happy peace; an event, I am persuaded, you must earnestly desire, as every good citizen must, in which number you rank foremost; for who so justly deserving of that most glorious of all titles, as the man singled out by the unanimous voice of his country, for his love and attachment to it, and great abilities, and placed in a station of the most exalted and dangerous prominence. If we cannot obtain a peace on safe and just terms, my next wish is that you may extort by force from our enemies what their policy and justice should have granted, and that you may long live to enjoy fame of the best—the noblest deed—the defending and securing the liberties of your country.

I am, with the greatest esteem, Sir,

Your most obedient, humble servant,

CHARLES CARROLL of Carrollton.

"P. S.—I desire my most respectfull compliments to Generals Lee and Gates. I should have done myself the pleasure of writing to the former by this opportunity, but that I know he has other things to do than to read letters of mere compliment—this city affords nothing new." 1.

In 1775 all of the British colonies of America were in

1—Magazine of American History, Vol. 22, p. 353.

rebellion agaisnt England, but the Canadian French were not disposed to join the English colonists in the struggle.

In 1774, by the Quebec Bill, civil and religious liberty were granted to Canada. This concession was made by Great Britain to its French subjects, but denied to her own people in the other American colonies. The government of Canada was practically as free then as it is now. Some of the less thoughtful members of the Continental Congress and a few newspaper editors exploited this fact among the people of the oppressed British colonies to excite their jealousy, referring to the Canadians as enemies, in league with England. John Jay, a man of great learning, and afterwards first Chief Justice of the Supreme Court of the United States, spoke and wrote with great bitterness of the French of Canada.

It was apparent that the Canadian French though resenting the rule of England were not prepared to enter the struggle for independence.

In 1775 an American army was dispatched to Canada and being without sufficient provisions or clothing the soldiers were driven of necessity to forage among the residents of Canada, which had a tendency to alienate the people from the American cause. It was the intention of Congress, however, to enlist the Canadians under the revolutionary banner if possible, and for that purpose a committee was appointed to visit Canada, consisting of Benjamin Franklin and Samuel Chase, who were then members of Congress, and Charles Carroll of Carrollton, and by request of Congress, Father John Carroll of Baltimore, the schoolmate of Charles Carroll at St. Omer's, accompanied the committee. John Adams, referring to this committee in a letter of February 18th, 1776, says:

"The characters of the two first you know. The last

is not a member of Congress, but a gentleman of independent fortune, perhaps the largest in America—a hundred and fifty or two hundred thousand pounds sterling, educated in some University in France, though a native of America; of great abilities and learning, complete master of the French language and a professor of the Roman Catholic Religion; yet a warm, a firm, a zealous supporter of the rights of America, in whose cause he has hazarded his all." 1.

We of this day can scarcely realize the difficulties that attended traveling in 1776. What is now accomplished in a few hours on an express train, then represented the labor and privations of several weeks.

The beautiful region of Northern New York and the country along the St. Lawrence in Canada, now the delight of summer tourists, was then a boundless wilderness, except where some industrious pioneer had carved out a home from the forest. The Hudson was navigated by sailing ships which were buffeted by adverse winds and traveling across the water shed from river to lakes was accomplished with great hardship and labor. The little party of four set out on their journey on April 2nd., 1776. Probably never before nor since in the history of America were four such remarkable men associated together in one enterprise: Dr. Franklin, famous in two worlds, philosopher, sage and patriot, "who had snatched the lightning from the clouds and the scepter from the hands of tryannts;" Father Carroll, the quiet, thoughtful, saint-like priest, thoroughly familiar with the French language, patriotic to the core, and burning with zeal for the American cause; Samuel Chase, member of the Continental Congress from Maryland, and descendant of one of its first families, and Charles Carroll of Carrollton,

1—American Archives, IV, p. 1133.

already renowned as a defender of the liberties of the American people.

Dr. Franklin was then seventy years of age, a wise, witty old man, whose inexhaustible fund of information on every subject exceeded that of any other man in America, or perhaps in the world. It was he that had discovered that lightning and electricity are identical. He was the author of Poor Richard's Almanac, a publication full of homely wisdom, a book that probably will live as long as the fables of Aesop. Samuel Chase, the youngest of the group, a man of gigantic stature, was but thirty-five; he had great learning, but lacked the culture and polish of the two Carrolls and the deep philosophy of Franklin. He, as well as Franklin and Carroll, afterwards signed the Declaration of Independence. He was afterwards one of the first Associate Justices of the Supreme Court of the United States. Father Carroll was then at the age of forty. To his varied and profound learning he added the graces of the most refined and gentle manners. His illustrious cousin, Charles Carroll of Carrollton, was of diminutive size, the smallest and most delicate of the four, then but thirty-eight years of age.

And the names of those four shall endure forever. The Church will not forget her first bishop, and until time shall be no more the men who dared to declare the new world free shall live in the hearts of the people.

Charles Carroll wrote a journal of this trip to Canada. The initial stage of the journey is described thus:

April 2nd, 1776. Left New York at 5 o'clock P. M. Sailed up North River, or Hudson's, that afternoon about thirteen miles. About 1 o'clock that night were awakened by the firing of cannon; heard three great guns distinctly from the Asia; soon saw a great fire, which we

presumed to be a house on Bedloe's Island, set on fire by a detachment of our troops. Intelligence had been received that the enemy were throwing up intrenchments on that island, and it had been determined by our generals to drive them off. Dr. Franklin went upon deck, and saw waving flashes of light appearing suddenly and disappearing, which he conjectured to be the fire of musquetry, although he could not hear the report."

It required five days to reach Albany, where the Commissioners were received by General Schuyler, "who," the journal records, "understanding we were coming up, came from his house, about a mile out of town, to receive us and invited us to dine with him." Leaving the house of General Schuyler the Commissioners proceeded on horseback to view the falls of the Mohawk River and afterwards continued their journey to Saratoga. On the 24th they reached Fort Tinconderoga. Notwithstanding that April is by no means a delightful month for camping in Northern New York, the Commissioners slept in tents made of bushes and lived on the coarsest fare. They resumed their journey each morning at 4 o'clock. When they reached St. John's, carriages were sent from Montreal for them and after a tedious ride across the country they were received at Montreal by General Benedict Arnold, then a brave and faithful officer, on the 29th of April. As to the proceedings there the journal is silent for several days, but on May 12th Carroll wrote:

"We set off from Montreal to go to La Prairie. Mr. John Carroll went to join Dr. Franklin at St. John,s, from whence they sailed the 13th." It was customary to refer to a priest as "Mister" in those days.

The condition of the army is indicated by the entry for May 23rd.

"We got early this morning to Chamblay, where we found things in great confusion, extreme disorder and negligence, our credit sunk, and no money to retrieve it with. We were obliged to pay three silver dollars for the carriage of three barrels of gunpowder from Little Chamblay river to Longueil, the officer who commanded the guard not having a single shilling."

On May 30th: "The Council of war was held this day and determined to maintain possession of the country between the St. Lawrence and Sorel, if possible; in the meantime to dispose matters so as to make an orderly retreat out of Canada." 1.

The object of sending Charles Carroll of Carrollton and Father Carroll with the Commissioners was the fact that they, being thoroughly familiar with the French language, it was supposed that they might be able to influence the Canadian clergy and laity in favor of the revolution; but from the very beginning it was the intention of the Canadians to remain neutral, refusing their aid to America, but guarding against every attempt on the part of England to enlist them or induce them to march against the coloninsts that were in rebellion.

The expedition to Canada was a failure, and in the winter of 1775 and 1776, on the last day of the year, the brave Montgomery, who was the soul of the army, fell gallantly in the attack on Quebec and the army bivouaced through the terrible winter almost without the bare necessities of life. In former years there was bitter hostility between the French and English colonists. Scarcely a dozen years had passed since the British colonists had marched against them in the French and

1—Journal of Charles Carroll of Carrollton, during his visit to Canada.

Indian war, and the colonists of the separate nations regarded each other almost as enemies.

If the Commissioners did not succeed in inducing the Canadians to embrace this opportunity to secure their independence, they did succeed in making sure of the neutrality of their northern neighbors.

When it became apparent that the Commissioners could accomplish nothing and that it was useless to maintain an army any longer in Canada, they departed for Philadelphia about the first of June. A letter from Father Carroll to the father of Charles Carroll of Carrollton describes the situation. This letter was written from Philadelphia just after his return:

"Cousin Charles and Mr. Chase left Montreal with me on the 12th of May, that they might not be in any danger from a frigate running up the river, and getting between them and the eastern shore of the St. Lawrence. As Dr. Franklin determined to return to Philadelphia on account of his health, I resolved to accompany him, seeing it was out of my power to be of any service after the Commissioners had thought it advisable for them to leave Montreal. Your son and Mr. Chase proposed staying at St. John's or in that neighborhood, till they should know whether our army would keep post at Deschambault; and the former desired me to give you notice of his being safe and well. . . . When I left him he expected to follow us in a few days; but Mr. Hancock tells me that if an express sent some days since from Congress reaches them before they have left Canada, he is of the opinion they will continue there for some time. I shall set out from hence, next week, and purpose doing myself the pleasure of calling at Elkridge. My affectionate and respectful compliments to Mrs. Darnall and Carroll, with love to Polly. Nothing new

from Canada, nor, indeed, any advices at all since we left it. Great divisions here between the contending parties. Ten tons of powder, five hundred small arms came in yesterday. Cousin Charles received large packets of letters from you a few days before we left Montreal." 1.

The Commissioners arrived in Philadelphia on the 10th of June and reported to Congress. Soon after this, the army was withdrawn from Canada and no further attempt was made to unite the Canadians with the other colonists in the struggle for independence.

It is a well known fact that the efforts of Congress in the first part of the revolution were not directed towards a total separation from the mother country. It was the purpose of the Congress to insist upon the rights of the people and not to sever their relations with England, and it was not until April, 1776, that independence was publicly advocated. In the autumn of 1775 the Continental Congress had petitioned the king, not as a legislative body, but as individuals representing the different colonies, but the king refused to receive the petition or to see the messenger that bore it, and declared that the American colonies were no longer under his protection. The war against the colonies was not popular in the British Isles, and it was difficult to enlist soldiers to be sent out to America. George III applied to Catherine II of Russia for Russian troops to serve under the flag of England in America, but the Empress so far from granting the request, asked him, not without sarcasm, if it were not beneath his dignity to employ foreigners to serve against his own subjects. The king then made an agreement with the Landgrave of Hesse Cassel by which thirty thousand Hessian troops were loaned or

1—Maryland Historical Society's Centennial Memorial, p. 109.

rather sold to the king of England to suppress the American revolution.

These Hessians were honest men. but were perfectly helpless in the hands of an arbitrary ruler, and necessarily their serving in America was distasteful to them. Congress promised a grant of land to any Hessian who would quit the British service and refuse to serve longer, and many of them took advantage of this offer.

When it became fully known in America that the king had refused to hear the petition of Congress and had employed foreign mercenaries to crush the colonies, the people hesitated no longer to declared for total separation. Congress passed a resolution authorizing each colony to establish a separate sovereign government of its own. On May 8th, 1776, while Charles Carroll of Carrollton was in Canada, the Maryland convention met at Annapolis. This convention first passed a resolution to the effect that the people of Maryland had no disposition to sever their allegiance to the King of England. When Charles Carroll and Samuel Chase returned from Canada and heard of this resolution they were dismayed and indignant, for, since the beginning of the struggle, they were for independence. For four days Charles Carroll of Carrollton worked with great energy and with all his influence, persuading the members of the convention to declare for independence and instruct their representatives in Congress accordingly. It is said that the following resolution, which the convention passed on the 28th day of June, 1776, was the result of the influence of Charles Carroll of Carrollton:

"Resolved, That the instructions given by the Convention of December last (and renewed by the Convention in May) to the deputies of this Colony in Congress be recalled, and the restrictions therein contained removed;

TABLE UPON WHICH THE DECLARATION OF INDEPENDENCE WAS SIGNED AND CHAIR OF THE PRESIDENT OF CONGRESS WHEN IT WAS PASSED.

Photographed from originals in Independence Hall, Old State House, Philadelphia.

that the deputies of this colony attending in Congress, or a majority of them or any three or more of them, be authorized and empowered to concur with the other United Colonies, or a majority of them in declaring the United Colonies free and independent States, provided the sole and exclusive right of regulating the internal government and police of this colony be reserved to the people thereof." 1.

On the Fourth of July, 1776, the Maryland Convention elected delegates to Congress. These were Mathew Tilghman, Thomas Johnson, William Paca, Samuel Chase, Thomas Stone, and Charles Carroll of Carrollton.

While the election was in progress in Maryland a scene was being enacted in the modest statehouse on Chestnut Street in Philadelphia that will be recalled to the minds of the American people until time shall be no more. There had been some hesitancy in declaring for independence. The speeches have not been preserved, but it is well known that John Adams was the foremost advocate of total separation. Daniel Webster, in his great eulogy on John Adams and Thomas Jefferson, gives the supposed speech of John Adams advocating the adoption of the declaration, in itself perhaps the first masterpiece of American eloquence.

While this mighty debate was in progress the news came that Maryland had declared for independence, and it was received with cheers and enthusiasm in Congress. Hesitating then no longer, Richard Henry Lee, reiterated the words of the Virginia Convention that had resolved on total separation from England and on July 2nd, 1776, moved, "That these united colonies are, and, of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown,

1—Journal of the Convention for June 28th, 1776.

and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved." And finally on Thursday, the memorable Fourth of July, 1776, the written declaration which had been prepared some time before by Thomas Jefferson, was adopted in Congress. The Declaration was first signed but with the name of John Hancock only and thus went forth to the world.

Charles Carroll of Carrollton and the remainder of the Maryland delegation had not yet taken their seats in Congress. They did not arrive until the 18th of July. On the day following the arrival of the Maryland delegation the Declaration was ordered to be written on parchment and on Friday, August 2nd, afterwards, fifty-four of the fifty-six members of the Continental Congress signed the memorable document, and later the other two names were added. The name of Charles Carroll of Carrollton is the only one that has any mark to distinguish it, or any surname or title. Much has been said and written with reference to this signature. Those who wish to weave a romance around the facts of history say that Mr. Carroll added the words, "of Carrollton" to his name as a sort of defiance to the power of Great Britain, because it left no doubt as to which Charles Carroll had signed the Declaration. It is said that he first signed his name "Charles Carroll" merely, and being reminded that the British government might be in doubt as to which of the several Charles Carrolls then prominent in Maryland, had committed this overt act of treason to George III, he returned to the table and added the words "of Carrollton," to his signature. History affords us a more correct explanation. The manor of Carrollton was bestowed upon him by his father immediately upon his return from Europe and

from that time forward he signed his name Charles Carroll of Carrollton, as a business and social expedient, to distinguish him from his father, Charles Carroll, of Annapolis, and his kinsmen, Charles Carroll, of Duddington, and Charles Carroll Barrister. Letters written several years earlier contain the signature, "Charles Carroll of Carrollton," and in one of them there is a request to address communications to Charles Carroll with this title added.

However, it was a brave act to sign his name in such a manner as to leave no doubt of his identity, and if Great Britain had prevailed over the colonies in the struggle for independence, each and every signer might have suffered the death penalty, and whatever may have been the fact with reference to this signature, it remained as a bold and defiant guide to whoever sought the signer to answer for his act.

It is said that when the Declaration was brought out and laid upon the table for the signatures of the members, John Hancock, president of Congress, asked Mr. Carroll if he would sign it, to which he answered that he would do so most willingly, and when the Marylander stepped forward to sign his name, some member remarked: "There go a couple of millions at a dash of the pen." The member had in mind a couple of million pounds, and while this may have been an excusable exaggeration under the circumstances, it was a fact, however, that Carroll was the richest man whose name was signed to the Declaration of Independence. The solemn words with which the Declaration closes: "And for the support of this declaration we mutually pledge to each other our lives, our fortunes, and our sacred honor," had this significance in the case of Carroll; that he was destined to be the last survivor and he

therefore pledged more of his life, he pledged the greatest fortune, and no one of the fifty-six had more honor than the member from Maryland.

No sooner had Charles Carroll of Carrollton arrived in Congress than he was appointed on the Board of War, the most important committee of that body. John Adams refers to this circumstance in his journal.

"Thursday, July 18th. Resolved. That a member be added to the Board of War. The member chosen, Mr. Carroll. An excellent member whose education, manners and application to business and to study, did honor to his fortune, the first in America." 1.

The War Board was instrusted with forwarding dispatches from Congress to the officers of the army, with superintending the raising and equipment of the forces, with keeping a roster of the officers in the American service, and, in fact, performing all the executive duties of the War department of Congress. During the war the officers commanding the army were subject to the orders of the war board, and since the military service was the hope of the people, and providing for the army was practically the sole business of Congress, the Military committee was the right hand of the nation in the war for independence. The Board consisted at this time of seven members, among whom were John Adams, afterwards president and father of a president, and Benjamin Harrison, ancestor of two presidents of the United States.

The journal of Congress for July 4th, 1776, shows that in addition to the Declaration of Independence less dramatic work was on hand, for it was resolved:

"That the Board of War be empowered to employ such a number of persons as they shall find necessary to

1—Works of John Adams, Vol. 3, p. 60.

manufacture flints for the continent and for the purpose to apply to the respective Assemblies, Conventions and Councils or Committees of Safety of the United American States, or Committees of Inspection of the counties and towns hereunto belonging, for the names and places of abode of persons skilled in the manufacture aforesaid, and of the places of their respective States where the best flint stones are to be obtained, with the samples of the same."

Some idea of the correspondence conducted between members of the Board of War and their respective colonies may be gathered from a letter of this period from Carroll and Chase to the Council of Safety at Annapolis.

PHILADELPHIA, July 27th, 1776.

Gentlemen:—Colonel Smallwood, apprehending his battalion would be in want of many necessaries at the camp, applied to us for a sum of money, and we advanced him $1,333, for which he is to be accountable to the Convention of Maryland. We hope this advance will meet with your and their approbation, as not much can be expected from soldiers badly provided and such is the discretion and economy of Colonel Smallwood, that we are persuaded he will make a very judicious application of this money.

The Congress has allowed a regimental paymaster to each battalion in the Flying-Camp, the appointment of which officer is left to the several States from which these battalions come. In the recess of our Convention the appointment is in you, and we beg you may appoint one as soon as may be. Colonel Smallwood recommended to us for this place, Mr. Christopher Richmond. We mention this circumstance because we know the appointment of Mr. Richmond will be very agreeable to the Colonel.

There are now lodged in Mr. Shries's house fifty odd muskets, lately imported for the use of our State; they want repairing and cleaning. We submit to you whether we shall not keep these muskets here, to arm in part one of our militia companies passing through this city, and on its way to the Flying-Camp; this will save the expense and trouble of sending them to Maryland. We are informed that there are large quantities of flint stones at the landings on Wye and Choptank Rivers; these were brought by the ships as ballast, and thrown out on the banks. The Congress has desired us to write to you on the subject, and to procure some person who understands flints to look after them, and to report to Congress, whether they are good or not.

We have nothing new from New York; the post is not yet come in. We heard from General Washington yesterday; all was quiet. The ten vessels mentioned in the papers appearing in the offing at New York brought over Highlanders; how many we know not. As the harvest is now over, we imagine the militia will come in fast to compose the Flying-Camp; and we hope the Maryland militia will march will all possible expedition.

We are, with regards, gentlemen, your most obedient, humble servants,

SAMUEL CHASE.
CHARLES CARROLL of Carrollton.

To the Hon., the Council of Safety at Annapolis. 1.

During the year 1776, in accordance with the authority and desire of Congress, Maryland formed an independent government and from that time commenced the splendid career of Charles Carroll of Carrollton as a prominent figure in the government of the United States as well as

1—American Archives, Vol. 1, p. 618: Maryland Archives, Vol. 12, p. 129.

in the Assembly of his native state. He was a member of the convention which met August 14th, 1776, at Annapolis, and which resolved "That this convention will defend the freedom and independency of the United States with their lives and fortunes." 2.

Several members of Congress participated in this convention. It was customary in the early history of our government for members of Congress to take part at the same time in their state legislatures at home.

In September it was resolved by the convention that the members, who were also members of the Continental Congress, should return to their posts of duty in Philadelphia. When Maryland became a state the terms of the members of Congress elected by the convention having expired or their having no authority to represent Maryland as a state, a new election was held on February 15th, 1777, and Charles Carroll of Carrollton was again elected to Congress. He was at the same time a member of the Maryland Assembly.

The hopes and fears of the American army and the anxiety to secure munitions of war from Europe for the soldiers are shown in a letter to Carroll from Colonel John Fitzgerald of Virginia, who was a member of Washington's staff, dated March 29th, 1777, as follows:

"Dear Sir—Give me leave to communicate the following piece of intelligence to you, which this day we have from Boston, so well authenticated as not to admit of the least doubt:

"On the 10th inst. arrived at Portsmouth an armed vessel of fourteen guns from France; her cargo consists of twelve thousand stands of arms, one thousand barrels of powder, flints, guns for the frigate there, woolens, linens, etc., etc. She has been out 42 days. A fifty-gun

2—Journal of the Convention.

ship sailed at the same time and from the same place for this port. She is richly laden with heavy artillery and military stores. Two very valuable prizes are now riding in this harbor, both from London. Their cargoes are the woolens, linens and summer clothing to a great amount. I had almost forgot to tell you that the Court of France has remonstrated against any more foreigners being sent to America, and that upon Doctor Franklin's arrival they demonstrated their joy by bonfires, etc.

"Another letter says that a General, a Colonel, and a Major, all strongly recommended by Dr. Franklin, are come in this vessel.

"This news, I am sure, will be very agreeable to you and every other gentleman so strongly attached and interested in this dispute. I therefore sincerely congratulate you thereon and hope you'll pardon the liberty on my side of beginning a correspondence with you. The public prints will inform you nearly as much of our situation here as I am at liberty to mention. The General is quite recovered from his late indisposition. I shall be glad of the honor of a line from you by post, and am, with most respectful compliments to Mrs. Carroll and family, Dear Sir,

Your Obedient Humble Servant,

JOHN FITZGERALD." 1.

On May 5, 1777, Carroll returned to Congress and again took up his duties as a member of the War Board. At this time Benjamin Franklin and Silas Deane were special envoys of Congress at the Court of France. These gentlemen exerted their influence to secure the aid of the King of France, and were empowered to negotiate with French officers for service in the American army. They inadvertently promised that all officers

1—Records, Maryland Historical Society.

leaving the French army for service in America should be promoted one grade above that which they held in the army of France.

So great was the number of foreign officers applying for commissions in the American service that a Committee on Foreign Applications was appointed to aid the Board of War; and Carroll, on account of his being familiar with the French language, and his long residence in France was the most important member of this committee. From the fact that there was not a sufficient number of high places for these foreign officers to fill, many difficulties resulted, and it required the utmost diplomacy of the polished member from Maryland to provide for all the foreign officers, but the Board succeeded in placing every foreigner in line.

Charles Carroll kept up a correspondence with Dr. Franklin during the absence of the latter in France. At the close of a long letter to Franklin dated from his home in Maryland, August 12, 1777, he says:

"I flatter myself our struggles for independence will, in the end, be crowned with success, but we must suffer much in the meantime, and unless we continue to receive powerful assistance in arms, ammunition, and clothing, and other warlike stores and supplies of cash or a credit in Europe, equivalent thereto, we must sink under the efforts of a rich and inveterate enemy, mistress of the ocean, and determined, it seems, to run every hazard in subduing these States to unconditional submission.

"My greatest apprehensions arise from the depreciation of our paper money; if we emit more bills of credit they will fall to nothing; we cannot tax to the amount of the charges of the war, and of our civil establishments; we must then raise money by lotteries or by borrowing. But the adventures in lotteries will be few, and the

monied men will not part with their money without a prospect of having their interest paid punctually, and in something that deserves the name of money, and will serve the uses of it. If the annual interest of the sums borrowed could be paid in gold and silver, it would be a great inducement to monied men to lend their money to Congress; where one pound is now lent forty pounds would then be lent. If bills of exchange drawn by Congress on some house in France would be accepted to a certain amount considerable sums proportionable to the obtained credit, might be speedily raised by the sale of such bills, particularly if advantages were taken by the public of such exchange. But of these matters I shall say no more, as the secret committee will certainly write fully on the subject, and in more masterly manner than I am capable of.

"I hope you continue to enjoy your health, and that flow of spirits which contributed to make the jaunt to Canada so agreeable to your fellow-travellers."

And in a postscript to this same letter he gives an interesting account of the privations that the American people suffered in the bitter struggle for independence.

"We have not yet confederated, but almost every member of Congress is anxious for a Confederacy, being sensible that a Confederacy formed on a rational plan will certainly add much weight and consequence to the United States collectively, and give great security to each individually, and a credit also to our paper money; but I dispair of such a Confederacy as ought and would take place if little partial interests could be laid aside; very few and immaterial alterations will be made in the report of the Committee of the Whole House. This is only my opinion, for we have made but very little progress in the House, in that important affair; immediate and more

pressing exigencies having from time to time postponed the consideration of it to this day, when I am informed it is to be again resumed.

"If this war should be of any considerable duration, we shall want men to recruit our armies; could we engage five or six thousand men, Germans, Swiss, or the Irish Brigade? I have mentioned this matter to several members of Congress, but they did not seem to relish the introduction of foreign mercenaries. I own it ought to be avoided, if possible. Handy craft men would be very serviceable to us, such as blacksmiths, shoemakers, weavers, and persons skilled in the management of hemp and flax.

"One of the greatest distresses we have yet felt is the want of salt, but I hope we shall not be in so great want of that essential article for the future as we have been. A bushel of salt some months ago was sold at Baltimore Town for 9 pounds. Necessity is said to be the mother of invention; it surely is of industry among a civilized people. Many private persons on our sea coasts, and bays, are now making salt to supply themselves and neighbors; these private and public salt works together, will, in a few months, I hope, yield a tolerable supply to our people, and at pretty reasonable rates compared with those which have obtained for some time past. Perhaps the private salt makers may afford to sell salt at 30 shillings per bushel; the undertakers of the public salt works in this state are under contracts to sell what salt they make at 5 pounds. We are casting salt pans, but they cost 100 pounds per ton, and are subject to crack. When our plating mills get in full work it will be better to make pans of plate iron, although they will come considerable higher. A large importation at this time from

Europe of salt pans would be very serviceable; they would sell high.

"The necessaries of life, except wheat and flour, are risen to an amazing nominal price, owing to an increased demand, and great depreciation of our currencies; wheat sells at 6 shillings 6 pence in this part of the country; the market for flour is very dull at present. The price of live stock of all kinds is prodigiously advanced, a cow, for instance, which a year ago would have sold for 16 shillings only, would now sell for 18 or 20 pounds; cloths, linens, woolens are excessive high. I have a coat on, the cloth of which is not worth more than 10 shillings a yard and would not have cost more than eighteen months ago, which lately cost me 4 pounds 10 shillings a yard. Rye sells as high as 10 shillings per bushel; the distillers give the price to distill it into whiskey; stills are set up in every corner of the country. I fear they will have a pernicious effect on the morals and health of our people. Believe me to be, Dear Sir,

Your Affectionate Humble Servannt,

CHARLES CARROLL of Carrollton." 1.

The charity of the illistratious signer for those who differed from him and from the nation in opinion and who remained faithful to the British crown in that day, is illustrated in a letter to Governor Johnson of Maryland September 8th, 1777.

"Poor Alexander is gone along with the enemy, with all his family. He can never remain in this country unless in the disagreeable situation of seeing it conquered by the enemy; if he has any virtue, this thought alone must pain him. Dr. H. Stevenson, it is said, cried like

1—Sparks Mss., Harvard College Library.

a child when he left his plantation in this neighborhood; unfortunate, misguided man." 2.

In this same letter he gives a little pen picture of Washington haranguing the army and showing the ability of the Father of His Country as an orator, which seems to be little known.

"G. W. made a speech (I am told by one Rogers who keeps Susquehanna Ferry) to his army, which was received with great applause; officers and men desired to be led to battle." 3.

The British fleet was then riding at anchor in Chesapeake Bay, and the enemy was marching on to Philadelphia, having over-powered the American army at Brandywine. Congress fled from Philadelphia to Lancaster and from Lancaster again retreated to Yorktown in Pennnsylvania.

In October 1777, Washington's army made a heroic attack on the British at Germantown, a few miles northwest of Philadelphia. For hours the battle raged around the old Chew Mansion, that still bears the marks of the conflict. The stubborn resistance made by the British who occupied the stone house saved the day for England, and in deep dejection the American army retreated and the following winter took up its melancholy abode at Valley Forge, thirty miles west of Philadelphia.

This was the darkest hour of the American revolution; the army, without tents and almost without baggage entered the winter forest and constructed rude cabins for shelter, and clothing was so scarce that those on guard were forced to borrow the few remaining rags of those who remained in doors. Men shivered around the slow fires of green wood in the unplastered huts, while their

2—Letter to Thomas Johnson, Esq., Baltimore, Sept. 8, 1777.
3—Id.

comrades kept watch for liberty in the snow, and were relieved only to exchange the indoor misery for the hardships of picket duty. The five thousand men who perished slowly from cold and hunger at Valley Forge is proof of the character and devotion of the men of 1776. If they deserted they could have found warmth and plenty in Philadelphia, where the British army was holding high carnival, quartered in the homes of the citizens.

Washington's headquarters were in the house of Isaac Potts near the Schuykill. It was then that Baron Steuben lately arrived from Europe, was appointed Inspector General of the Army. Day after day the baron went forth at dawn in the bitter cold to drill the patriot soldiers, chiding their awkwardness with epithets in broken English.

Charles Carroll of Carrollton and his friend and comrade, Samuel Chase, were the only members from Maryland present when the fugitive Congress assembled at Yorktown on September 30th, 1777. Here it was that the Articles of Confederation, the forerunner of the Consituation of the United States, were adopted. The gloom that seemed to enshroud Congress was dispelled a few days later when, on October 19th, news of the brilliant victory of the Americans over the British at Saratoga electrified the nation, and General Horatio Gates, whose army it was that captured Burgoyne and his grenadiers, was the hero of the hour. Men began to compare this brilliant victory with the recent defeats that had befallen the army of Washington. There was dissatisfaction on the part of some of the officers at Valley Forge. The French officers were complaining of inaction and some of them were deprived of the honors they had been promised, and were jealous of the confidence placed in their com-

rade, Baron De Kalb. A movement began in favor of General Gates as Commander-in-Chief; some were in favor of General Charles Lee, afterwards justly suspected of treason and bitterly rebuked by Washington at the battle of Monmouth.

The Board of War underwent a change and General Gates was made president of the Board in November.

In the winter a conspiracy began among the officers at Valley Forge to displace Washington as commander-in-chief, and to put General Gates at the head of the army. General Thomas Conway, an officer of the Irish Brigade, in the service of France, was made the scapegoat and spokesman of this cabal.

Conway was chafing under the restraint of inaction. He was hot-headed and proud of his record as a soldier. He had not only distinguished himself in France, but his bravery at Brandywine and Germantown had attracted attention. He had out-ranked Baron De Kalb in France, and the Baron was placed above him in America. By this formidable conspiracy the career of Washington was threatened with eclipse. It was then that his life-long friends, and those who had faith in his ultimate success rallied to his support, and in the midst of his great suspense and suffering at Valley Forge, he had no truer or more devoted friend than Charles Carroll of Carrollton, who was still a member of the Board of War. Their friendship commenced several years before. In former days Annapolis was a summer resort for the aristocratic society of Virginia as well as Maryland. To the beautiful city on the Severn came the wealth and fashion of the colonies for miles around and among the many hospitable homes where visitors were entertained was the residence of Charles Carroll of Carrollton at Annapolis.

Washington's journal for 1771 records that he dined at Carroll's.

Washington and Carroll were the two wealthiest men in all the region, and were associated together in several business enterprises. They were friends and companions in business no less than in the more formal amenities of social life.

A letter still preserved in the Department of State in Washington from General Conway to Charles Carroll of Carrollton proves on its face that it was the voice of Carroll that was raised in Congress against the conspiracy to displace Washington, and that Carroll used his influence to defeat the plan that would, if carried out, deprive Washington of the title of "Father of His Country."

"Sir—This day I have sent my resignation to Congress. Seven weeks ago several gentlemen wrote to me from the seat of Congress, mentioning the extraordinary discourses held by you, Sir, by Mr. Lovell, Mr. Duer, and some other members on account of my applying for the rank of major general. If I had harkened to well grounded resentment, I should have undoubtedly have left the army instantly. But my delicacy pointed out to me to continue in the army until the end of the campaign; this I have done. I look upon the campaign as finished, for I am pretty clear that since the enemy is reinforced, and has had time to secure his front with a double line of fortifications, nothing can be attempted with any degree of safety, propriety, or appearance of success. Now, Sir, I will undertake to show that my request of being made a major general had nothing in it so unreasonable as to cause your astonishment, and the most disobliging reflections, thrown by you, Sir, and other members of Congress.

"Of all the French officers who came to this continent, I am the most advanced in rank, and the only field officer bearing rank in actual service. Chevalier De Barre was a lieutenant colonel in 1757; he was thanked in 1761; if he had continued in service he would be now a major general in the French army, and mentioned in Military Kalendar, which is printed every year, and wherein every officer bearing rank, from the Marechal of France to the last sub-lieutenant, is carefully mentioned. Baron De Kalb got a commission of lieutenant colonel, and left the army in 1762. If he had been continued in service and had bore a rank in our army, he would be in the center of our brigadiers, but I am very certain that you will find neither of these gentlemen in the Kalendar, because they have no rank in the army, and, indeed, did not interfere with it these sixteen or seventeen years past.

"I am told that Baron De Kalb had a brevet of brigadier from the Minister of the Navy, such as was obtained by Mr. Ducoudray and some of his officers. Whether he had or not, I am still certain that this brevet cannot give him the rank over me in the French army, because there has never been an instance of it in our service. I always appeal to the Military French Kalendar, which is the true standard of rank. It was in order to guard against those sham brevets, for which I understood that some people were applying, that I made with Mr. Deane the only condition which is to be found in my agreement. The condition was that no officer who had not an equal rank with me in actual service should be put over me. Mr. Deane promised it to me, and told me, in taking me by the hand, that I was the only gentleman who had not taken advantage of his present situation.

"He directed me to encourage and bring over some

officers of the Irish Brigades. I got one hundred and sixty guineas for that purpose. I gave eighty-four guineas to two officers who came over with me, and whose receipts I can produce. Seventy-six guineas I sent to four officers of the Irish Brigade, who were prevented from embarking on account of the noise made about the Amphitrite. I charged nothing for myself, although my expences to come to this country amounted to above one hundred and twenty guineas; although I am now in the case of selling my effects in order to reach some seaport. But I will not dwell upon the article of cash. After Mr. Ducoudray had left me in Port Lorient last January, I got charge of the Amphitrite, and of the letters for Congress, which letters I delivered to Colonel Langdon upon my landing at Portsmouth. The captain of the Amphitrite had positive orders to sail for St. Domingo, and the Commissary of the Navy Board at Port Lorient had made him sign a formal promise not to come to this continent. He was determined to follow his orders; in order to make him alter his determination, I gave him a certificate by which I acknowledged that by violence I compelled him to infringe the King's positive orders, and steer for this continent. The captain is now in possession of the certificate. If France does not take an active part or a public one in the present contest, the captain of the Amphitrite, which ship has caused such loud complaints from Lord Stormont, will be brought to account for disobedience; he will have my certificate to produce; I may fall a sacrifice to policy, lose my rank, and the prospect of speedy promotion in France, and the fruits of thirty years' constant service.

"At my arrival here M. De Barre, my inferior in rank, who got six thousand livres in France, was made a brigadier, and paid as such from the month of December,

when I was appointed the last brigadier of the army. After the battle of Brandywine, Baron De Kalb, also my inferior, who got about a thousand pounds here or in France, was made a major general. If I patiently bore such repeated wrongs, it might be concluded in France that I misbehaved; and indeed the Congress instead of looking upon me as an officer who enjoyed some esteem and reputation in the French infantry, must take me for a vagabond who flew here to get bread. I thank God that neither one nor the other is the case. I came over here because I liked the cause and like it still; because I was often and warmly invited by Mr. Deane. My candid way of acting with him will testify it. As to my behaviour I appeal to the army.

"The French gentleman told me, Sir, that you asked in a most despising manner what I had done. Indeed, I must confess that I did not do all that I wish to have done, but I hope I have done as much as was left in my power. As I am not acquainted with your gazette writers, I must tell you that upon my arrival in camp I was night and day employed in writing instructions concerning the camp, the outguards, the orders of marches, of which I found not the least notion in this army. Part of those instructions was followed, the greatest part was not; this is not my fault. I wrote several plans about the economical administration of this army where I saw many striking abuses. I am confident that this army is sufficient (if) not to ruin, at least to distress the continent, whereas, it could be kept upon a flourishing footing in saving one-third part of the money spent upon it. As (it) seems I have not been understood, at least I saw no alteration for the better.

"At the Short Hills I was first ready, and first attacked, drew up my brigade in battle, stopped the enemy, and

made my retreat without running, and without losing a single prisoner. The other brigade had been attacked an hour after mine, and I think I had given it full time to make a retreat. At Brandywine my brigade remained the last upon the ground, and though I had been abandoned pretty early by the brigades of the right and left, my brigade continued fighting until it was flanked on both sides by the enemy. That same brigade was the first or rather the only brigade that rallied to oppose the enemy's pursuit, when for want of ammunition it was ordered to be relieved at the close of the evening by a French brigade which had not yet been engaged. At Germantown, with little better than four hundred men, I began the attack, and was fighting three-quarters of an hour before any individual came to support me.

"You asked upon what grounds I could call for the rank of major general. Because I can be more useful at the head of a division than at the head of a small brigade. Because in my young days I had a larger command before the enemy than what I have had in your army. Because being those twenty years constantly studying military operations, having traveled through Europe to take a view of the different armies, having been lately employed in making out a set of field manoeuvres, having practiced and tried said manoeuvres last year in the presence of several experienced generals, both German and French, I thought myself more qualified to command a division than such major generals who had never seen a line of battle as they confess themselves, before Brandywine, and as it too well appeared.

"It was for want of knowledge and practice in forming the lines that Brandywine was partly lost. I can assign many other reasons for the loss of that battle. It was for

want of forming the line and of manoeuvering that we miscarried at Germantown, our left wing, composed of the largest part of our army, having lost near an hour in an useless counter march, as it appears by the several testimonies given at a court-martial now sitting, of which I am a member. I am far from thinking myself a general, but I believe that after having studied and practiced this trade steadily during almost all my life, I may venture to say that I know somewhat more of it than the brave, honest men who never made it their business. I have much regard for Baron De Kalb and think that the continent has made in him the acquisition of a good officer, but I can venture to say that I have gone through and seen at least as much service as he did.

"This letter, Sir, if you have patience to read it, will convince you that my request of being made a major general was not altogether as impertinent as you, sire, and other gentlemen have styled it. I was much surprised at the reflections which you made upon the subject, as I am conscious that I have done nothing in my life that could make me contemptible in the eyes of any honest man. I suppose that your strange opinion of me originates from the misfortune I have of not being better known to you. However, I shall always cherish the cause I fought for, and shall be very happy to hear of its success.

I am, with much regard, Sir,

Your obedient, humble servant,

T. CONWAY." 1.

The Maryland Historical Society has preserved a letter from M. Pliarne, a French officer, which conveys the news to Charles Carroll that the hot-headed Conway had left the army. Pliarne wrote:

1—Mss. Department of State.

"I have just seen a French officer who left the army last week. He says confusion and bad discipline prevailed too much to expect anything good, and in every case it is almost impossible to attack Howe in Philadelphia, though everybody cries against poor General Washington.

"Conway is at Reading and had left the army, but the Congress, conscious of their love in so able a man, intended to offer him (word illegible) employment of Adjutant General, and I think he will receive it. With him, and the Board of War filled by Gates, Mifflin and some other experienced officers, the army will be this winter altered for the best."

Charles Carroll, of Carrollton, was a stern advocate of temperance. He was alarmed at the great number of distilleries which were established after the authority of Great Britain had been overthrown and the tax on spirits consequently had disappeared. Intemperance prevailed and he dreaded its effect on the army as well as on the people at large.

While Carroll was a member of the War Board, in a letter to Washington, he recommended the discharge from the army of two officers who were addicted to the excessive use of liquors and urged with great energy the necessity of maintaining strict discipline and sobriety in the army, and his efforts in this line were strongly seconded by the great Commander-in-Chief.

In 1779 a bill was introduced in the Maryland Assembly to confiscate the property of all loyal British subjects in Maryland and sell such property for the benefit of the State. This would involve the ruin of a number of people who took no part in the war and Carroll opposed the measure.

The nation at that time was governed by the Articles of Confederation. Under these articles Con-

gress had power to levy taxes on the different States but had no power to collect the taxes. The articles were denounced as a "rope of sand." Then began in each state two parties, one in favor of federating the thirteen sovereignties together into one nation and the other in favor of sacredly preserving the separate and complete sovereignty of each state. The former were called Federalists and the latter were known at different periods as Anti-federalists, Republicans and Democrats. Charles Carroll of Carrollton was an ardent Federalist. He believed in uniting the states together into one sovereignty and in this he was a supporter of Washington, Adams and Hamilton.

The year of 1787 was made memorable by the adoption of the Constitution of the United States in Philadelphia. In April, 1788, the Maryland convention was assembled for the purpose of voting on the ratification of the constitution. Other states afterwards ratified the great instrument until, according to the provisions of the constitution itself, the consent of two-thirds of the states made it the fundamental law of the land and the United States Government, as we now know it, came into existence.

On November 3rd, 1788, the Maryland Assembly with the authority vested in it by the Constitution, elected two members to represent the State of Maryland in the United States Senate. John Henry and Charles Carroll of Carrollton were chosen the first two of the illustrious line of Senators to represent that state in the Senate of the United States.

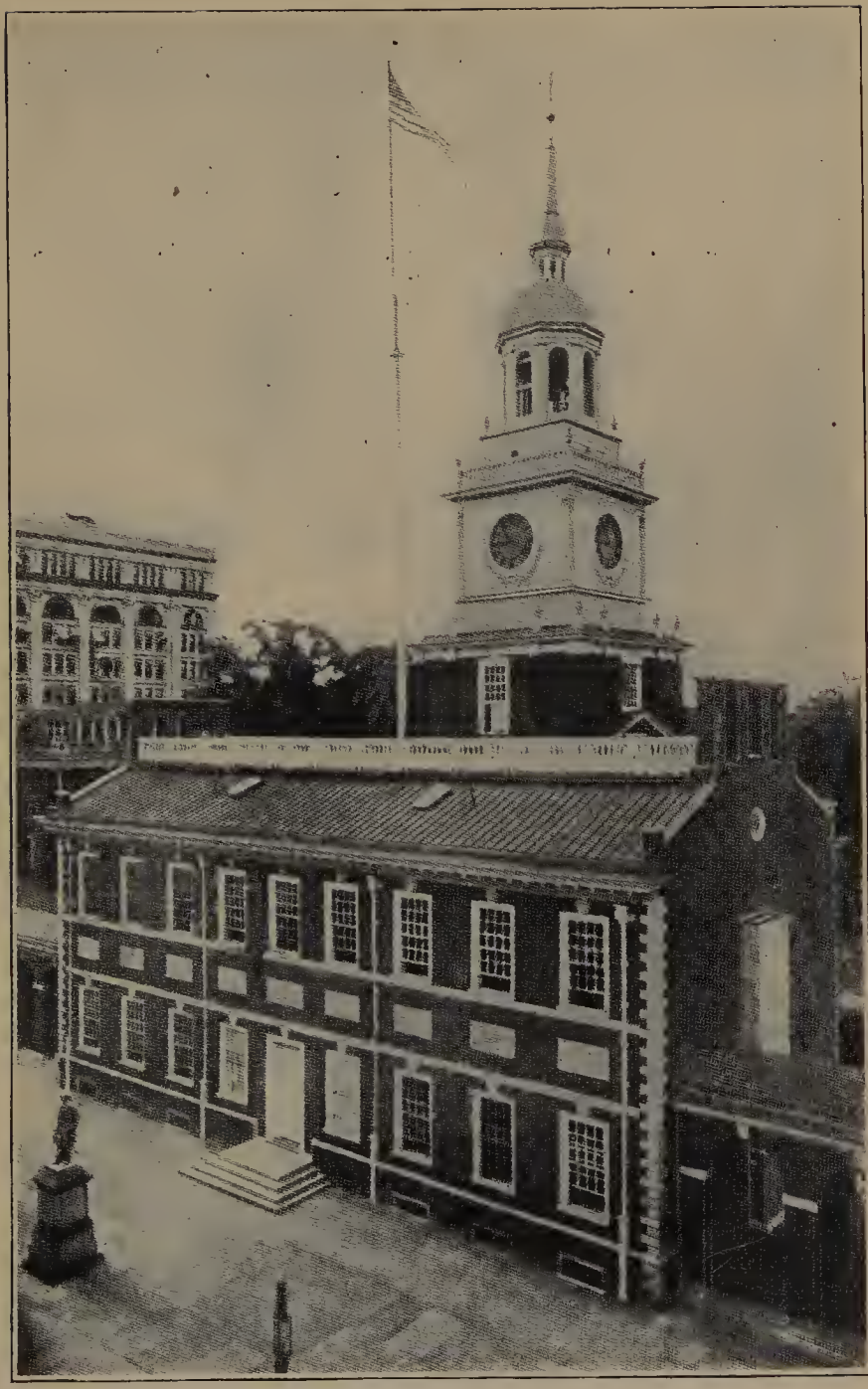
The date set for the meeting of the new Congress of the United States and the inauguration of the first President was Wednesday, March 4th, 1789, and the place

designated was the City Hall in New York at the corner of Wall and Nassau Streets.

But the members of Congress did not appear at the time specified in sufficient numbers to form a quorum and those who assembled adjourned from day to day until March 21st, when the House of Representatives counted a quorum present, and on April 6th, Richard Henry Lee arrived from Virginia, took his seat in the Senate and completed the necessary quorum of that body.

Washington set out from Mount Vernon to enter upon the discharge of his duties as the first President, but received so many ovations in his progress to New York that he was necessarily delayed and did not arrive to take the oath of office until the 30th of April. In the meantime, Congress having assembled on Monday, April 6th, the vote for president was counted and it appearing that Washington had received sixty-nine electoral votes and John Adams thirty-four. Washington was duly declared President and Adams Vice-President according to the provisions of the constitution at that day. From Benton's "Abridgment of the Debates of Congress," which gives a terse history of the proceedings and debates of that body from its beginning, it appears that Charles Carroll of Carrollton was one of the early arrivals among the Senators at New York. An old newspaper account shows that he lodged at No. 152 Smith Street.

Up to that time but nine of the States had ratified the constitution and there were therefore but eighteen Senators present. As early as April 13th, Mr. Carroll was appointed on the Judiciary Committee. This committee reported the law which governs proceedings in United States courts and which practically remains unchanged to this day. On Thursday, April 30th, the



INDEPENDENCE HALL,
THE OLD STATE HOUSE, PHILADELPHIA, AS IT APPEARS TODAY.
From a Photograph.

ever conspicuous Richard H. Lee, in behalf of the committee appointed to conduct the ceremonies of the inauguration, having informed the Senate that everything was in readiness, notified the House that the Senate was ready to receive its members in the Senate Chamber "to attend the President of the United States, while taking the oath required by the Constitution." The members of the House then filed into the humble apartments occupied by the Senate and the joint committee of the House and Senate, preceded by their chairman, "introduced the President of the United States to the Senate Chamber, where he was received by the Vice-President, who conducted him to the chair, when the Vice-President informed him that the Senate and House were ready to attend him to take the oath required by the Constitution and that it would be administered by the Chancellor of the State of New York. To which the President replied, he was ready to proceed; and being attended to the gallery in front of the Senate Chamber, by the Vice-President and Senators, the Speaker and Representatives, and other public characters present, the oath was administered. After which the Chancellor proclaimed, *"Long live George Washington, President of the United States."* The new President returned to the chair in the Senate Chamber and rising addressed both bodies in a modest and decorous speech.

Immediately a motion was put and unanimously agreed to that a committee of three should be appointed to prepare an answer to the President's speech and Mr. Carroll was appointed one of the committee. The reply to the auspicious words of the Father of his Country was no less clear, dignified, patriotic and manly than the President's address.

This ceremony had been a source of worry to the new

members of Congress during the several days they remained waiting for the arrival of the new chief executive. They solemnly asked each other by what title they should address the President of the United States. How should they conduct themselves when he was present? They had no precedent but the etiquette of European Courts where men knelt in the presence of kings. They finally decided that "Your Excellency" would be a respectful as well as a dignified way of addressing the chief executive.

The constitution forbade the granting of titles of nobility but titles of honor, temporary and not hereditary, might be bestowed. A long debate was conducted among the members on this question, in which it was argued that titles would diminish the true dignity and importance of a republic. Mr. Carroll was opposed to titles, and it was finally decided that the subject should be dropped and from that day forward it has never been revived in either branch of Congress.

One of the gravest problems, still a matter of debate in both branches of Congress, was the question of duties on imports. It appears from the discussion of this method of providing revenue, which was the first great question debated in Congress, that Mr. Carroll was for immediately passing a law by which duties might be collected on goods imported into the United States. He expressed his disgust at the dallying of certain members and was for prompt and immediate action.

As the constitution was first adopted, there was no provision guaranteeing religious liberty, but the very first amendment added to the original document forbids Congress to make any law respecting the establishment of religion or prohibiting the free exercise thereof. The amendment as originally prepared was that "no religion

shall be established by law, neither shall the equal rights of conscience be infringed." Many of the members thought that this amendment was unnecessary inasmuch as Congress had no power delegated to it by the original constitution to establish a national religion, and this view was probably correct; but the first Congress wished to leave no doubt on the subject. No member seems to have opposed the resolution for the amendment.

Mr. Carroll's remarks on the subject were extremely gentle and breathe the spirit of that liberty of conscience which was one of the traditions of the state he represented. He said:

"As the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of the governmental hand; and as many sects have concurred in opinion, that they are not well secured under the present constitution, he said he was much in favor of adopting the words. He thought it would tend more towards conciliating the minds of the people to the Government than almost any other amendment he had heard proposed. He would not contend with gentlemen about the phraseology, his object was to secure the substance in such a manner as to satisfy the wishes of the honest part of the community." 1.

Even in that early day while the first Congress was in session the most ominous question that has ever confronted the American people presented itself in many forms to the law makers of the infant republic—the question of slavery.

The importation of slaves after the year 1808 was prohibited by the constitution, but many petitions were presented to Congress to abolish slavery and a bill was

1—"Abridgment of the Debates of Congress," Thos. H. Benton, Vol. 1, p. 137.

introduced by the provisions of which slavery might be gradually abolished, and was referred to a committee of three, one of whom was Charles Carroll of Carrollton. The committee was really in favor of the gradual extinction of slavery in the United States. Perhaps those farseeing men apprehended that this very question would cause trouble in the future. What sacrifice of life and treasure might have been saved if slavery had been gradually diminished by law until it ceased to exist, instead of being allowed to grow to such monstrous proportions as to become the cause of the Civil War!

The wisdom of the committee was not heeded and action on the bill was postponed from session to session until all discussion of the matter for a time ceased and it was not mentioned during the remainder of Mr. Carroll's service in the Senate.

During the Revolutionary War each state provided a force for the Continental army at its own expense and was separately in debt for the part that it took in the war. A bill was introduced in Congress to have the United States assume and agree to pay the debts incurred by the states in carrying on the war. It excited a great deal of discussion, in which Mr. Carroll took an active part, favoring the measure. At the same time a bill was introduced to change the location of the capital and it is interesting to know that the object was to fix the seat of government at the center of population of the United States, that is, where as many people of the United States lived in each direction from it, at the same time, "having due regard to the particular situation of the Western country."

This question was debated at intervals for several years before it was finally settled and the present site

was selected, being favored by Washington. The question of the state debts was adjusted at the same time, the members compromising by the opponents of each favoring both measures.

In the meantime the seat of government, then known as the "Residence," had been moved to Philadelphia and was not located in Washington until 1801.

When Mr. Carroll and Mr. Henry were first elected the long and short term of the senators were adjusted by lot and Mr. Carroll drew a two years' term. In 1791 he was again re-elected to the Senate from Maryland. During the entire period of his service, as was frequently the case in that day, he was a member of the Senate and of the Assembly of Maryland and acted in both capacities at the same time. In 1792 a law was passed by the Assembly of Maryland by which no citizen could hold the office of member of the Legislature and member of either branch of United States Congress at the same time. Such was the dignity of a state senatorship in those days of exalted patriotism that Mr. Carroll resigned his seat in the United States Senate in order to give his undivided attention to the affairs of his own state at home. In those days citizens were extremely devoted to the interests of their respective states and the state was considered of equal dignity with the nation and it was not therefore considered any diminution of the honors of Mr. Carroll that he chose to serve in Annapolis rather than in Philadelphia.

Charles Carroll inherited from his father a large interest in a company engaged in the business of manufacturing iron, which conducted one of the first iron foundries established in America, and this together with his large estates required his constant attention to business matters.

In 1801 his public life ceased and from that date until his death he devoted his energies to looking after his vast interests, the affairs of his family, and to the deep study of history and philosophy. His father died very suddenly in 1782 as a result of an accident. The aged gentleman was standing on the porch of his home watching a ship come into the harbor of Annapolis, and stepping backwards to get a better view, fell from the porch, a distance to the ground, and was almost instantly killed. The wife of Charles Carroll was greatly devoted to her aged father-in-law and so shocked was she at his sudden and tragic death that she took to her bed and survived but a few days.

Charles Carroll of Carrollton remained a firm Federalist, and he believed with Washington and Adams that the necessities of our national government demanded that Congress and the President should wield the supreme power and that the government of the states should be subordinated to that of the nation. From the beginning, however, the Anti-federalist party increased rapidly, and it became apparent, when the election of 1800 was approaching, that Thomas Jefferson would be chosen president of the United States. So extremely democratic were the views of Jefferson and his adherents that the Federalists were in great dread of the elevation of those reformers to power.

At that stage of our nation's experience even our great and far-seeing statesmen had not learned that American citizens are as generous in victory as they are good humored in defeat. In one of his letters at this period Charles Carroll of Carrollton speaks of having stopped at the home of a poor cottager one evening, while traveling through the country, to take refuge from a rainstorm, and while he was there the cottager's wife pre-

pared for her children their frugal supper of potatoes and milk. He philosophized on how little is required to sustain human life, and it occurred to him that, should the prominent Federalists be banished by the adherents of Jefferson, very little would suffice to sustain him for the remainder of his days, should he be among the fugitives. These forebodings were shared by many other great men of that day who opposed Jefferson. The illustrious signer survived long after he had learned the vanity of these melancholy speculations.

He had a winter home in Baltimore and a residence in Annapolis, but the home with which his life is identified is Doughoregan Manor in what is now Howard county, about six miles from Ellicott's Mills and near the line of the Baltimore and Ohio Railroad. The site of this beautiful homestead was originally an untouched forest of oak and elm. The deep shade of those trees, and their low hanging boughs prevented the growth of shrubbery and completely canopied the native grass.

Nearly two centuries ago the father of Charles Carroll built the Manor house on an artificial knoll in the center of a natural park of three hundred acres. The mansion is long and low, in accordance with the colonial style of architecture, a story and a half in height, and presents a front of about three hundred feet. At one end still remains the private chapel of the Carroll family, a relic of colonial persecution, where the worship of God found a refuge when, by the permission granted by Queen Anne, religious services were allowed to be conducted in private. Passing up under the shade of the immemorial elms, the traveler, approaching its hospitable doors in those days, saw the most enchanting natural park in all the American continent, in the midst of which the Manor house gleamed white through the trees. On entering he

found himself in the wide hall that divides the mansion into two parts, and admired the hunting designs on its heavily pannelled walls, still fresh and beautiful after the lapse of nearly two centuries. On the right was the sitting room and library, where the philosopher and statesman passed his declining years in deep study of the classics, renewing his youth in translating again Cicero, Homer and Virgil. On the walls he saw portraits done by the master hand of Sir Joshua Reynolds, with all the details of the gold lace and embroidery of the eighteenth century. Here in this beautiful home Charles Carroll extended his lavish but dignified hospitality to a circle of friends whose names shall remain identified with the history of America. At different times Washington, Lafayette, Decatur, Jackson and many others of the heroes of that glorious era might have been seen walking in the wide spreading shade of the elms of Doughoregan. A multitude of servants performed the offices of hospitality as if by magic. Scarcely a day of the year passed but some distinguished guest dined with Carroll, and the last signer was famous throughout the continent for the easy grace with which he welcomed a friend, or sped the parting guest with words that lingered in the memory of the visitor.

Of his personal appearance we have many references made by writers and travelers of that day. He was small and slight, weighing little more than a hundred pounds. In his early life he did not believe he would live to an advanced age. The extreme regularity of his habits was perhaps due to the fact that he was of delicate constitution. He wore his hair combed straight back from a high forehead, after the fashion of the day. His eyes were perhaps his most striking feature, and had in them an expression of mingled courage and thoughtfulness,

which at once attracted attention. Of the fifty-six who signed the Declaration of Independence he was perhaps the most delicate looking, and yet was destined to survive all of them, and to live to an older age than any other man that signed the Declaration.

It was his habit to rise at dawn and ride over the grounds of Doughoregan, returning about 7 or 8 o'clock when a frugal breakfast was served, and then came the entertaining of numerous visitors and the attention to business that was never for a moment neglected. His drives or rides in the afternoon filled up the hours with pleasures that were the companions of thought and duties that were the labor of love, and his long talks with friends in the wide verandas of Doughoregan in summer or by its hospitable fireside in winter completed each day of a glorious old age.

Charles Carroll was of a deeply pious nature. His early training at home, at Bohemia, and at St. Omer's, bore its fruit of a religious life. He was scrupulously careful to observe all the duties required by the Church. In a letter written to his son he says:

April 12th, 1821.

"In writing to you I deem it my duty to call your attention to the shortness of this life, and the certainty of death, and the dreadful judgment we must all undergo, and on the decision of which a happy or a miserable eternity depends. The impious has said in his heart: 'There is no God.' He would willingly believe there is no God; the passions, the corruptions of his heart, would fain persuade him there is none. The stings of conscience betray the emptiness of the delusion; the heavens proclaim the existence of God and unperverted reason teaches that he must love virtue and hate vice, and reward the one and punish the other.

"The wisest and best of the ancients believed in the immorality of the soul, and the gospel has established the great truth of a future state of rewards and punishments. My desire to induce you to reflect on futurity and by a virtuous life to merit heaven, have suggested the above reflections and warnings. The approaching festival of Easter, and the merits and mercies of our Redeemer *copiosa assudeum redemptio* have lead me into this chain of meditation and reasoning, and have inspired me with the hope of finding mercy before my judge, and on being happy in the life to come, a happiness I wish you to participate with me by infusing into your heart similar hope. Should this letter produce such a change, it will comfort me, and impart to you that peace of mind which the world cannot give, and which I am sure you have long ceased to enjoy.

"As we shall now probably have pleasant weather, a jaunt to Carrollton will be of service to you. Before you leave the Manor, desire Mr. McLean to have an eye to the gardeners.

God bless you, from yr. aff. father,

CH. CARROLL of Carrollton." 1.

He built a church in Annapolis known as St. Mary's at his own expense and maintained the chapel at Doughoregan to the end of his life. He had a full appreciation as far as the human mind can grasp it, of the insignificance of this world and its events as compared with the dread reality of eternal life. Again he wrote to his son:

"We should not set our hearts too much on anything in this world, since everything in it is so precarious, as health, riches, power and talent, etc., of which disease, revolution and death can deprive us in a short time.

1—Appleton's Journal, Sept. 19th, 1874.

Virtue alone is subject to no vicissitudes. In the hour of death, when the emptiness of all worldly attachments is felt, it alone can console us, and while we live soften the calamities of life and teach us to bear them with resignation and fortitude." 1.

And on his 88th birthday, he wrote to a friend:

"On the 20th of this month I entered into my eighty-ninth year. This, in any country, would be deemed a long life, yet as you observe, if it has not been directed to the only end for which man was created, it is a mere nothing, an empty phantom, an indivisible point, compared with eternity. Too much of my time and attention have been misapplied on matters to which an impartial judge, penetrating the secrets of hearts, before whom I shall soon appear, will ascribe (no?) merit deserving recompense. On the mercy of my Redeemer I rely for salvation, and on His merits; not on the works I have done in obedience to His precepts for even these, I fear, a mixture of alloy will render unavailing and cause to be rejected." 2.

Charles Carroll of Carrollton having borne a distinguished part in establishing a government by the people was, as might be expected, a champion of complete religious liberty. Among his last letters we find one addressed to Rev. John Stanford of New York, a charitable man, who seems to have founded a home for the poor in that city.

"Doughoregan, October 9, 1827.

Reverend and Dear Sir:—

I was yesterday favored with your friendly letter of the 10th past, and the discourses on the opening of the House of Refuge and on the death of Jefferson and

1—Nlies Register, Vol. 30, p. 347; National Journal, July, 1826.
2—MSS. Letter.

Adams. The former I have read. With the latter I am highly pleased and I sincerely thank you for your pious wishes for my happiness in the life to come. Your sentiments on religious liberty coincide entirely with mine. To obtain religious, as well as civil liberty, I entered zealously into the Revolution, and observing the Christian religion divided into many sects, I founded the hope that no one would be so predominant as to become the religion of the State. That hope was thus early entertained, because all of them joined in the same cause, with few exceptions of individuals. God grant that this religious liberty may be preserved in these States to the end of time and that all believing in the religion of Christ may practice the leading principle of charity, the basis of every virtue.

I remain with great respect, Rev. Sir,

Your most humble Servant,

CHARLES CARROLL OF CARROLLTON." 1

Many events were crowded into the declining years of the great signer's life. He took part in inaugurating the greatest human enterprise of all time. He became a director of the Baltimore and Ohio Railway Company and on July 4th, 1828, at Baltimore he laid, what was referred to as the "corner stone" of the Baltimore and Ohio Railroad, the first steam railroad in America. With the farseeing eye of a statesman he fully realized the importance of easy and rapid communication and it is now believed that our existence as a nation over such a wide extent of territory could not have been preserved without railroads and telegraphs.

The Blacksmith's Association presented Mr. Carroll with the implements with which the ceremony of inaugurating railroad service was conducted and in a letter

1—Scharf's History of Maryland, Vol. 2, p. 136.

thanking the association for this mark of respect, the aged patroit used these remarkable words:

"You observe that republics can exist, and that the people under that form of government, can be happier than under any other. That the republic created by the Declaration of Independence may continue to the end of time is my fervent prayer. That protracted existence, however, will depend on the morality, sobriety and industry of the people, and on no part more than on the mechanics, forming in our cities the greatest number of their most useful inhabitants." 1

In 1824 Lafayette visited Baltimore and was received by Charles Carroll of Carrollton and Colonel John Eager Howard, the brother-in-law of Carroll's son. Those two were the most distinguished survivors of the Revolution in Maryland. John Quincy Adams, who accompanied Lafayette, wrote a sketch of the scene. The distinguished visitors were received in a tent formerly used by Washington, and there was a procession through the streets of Baltimore, in which Carroll was the most striking and venerable figure.

Adams and Jefferson died July 4th, 1826, fifty years from the day they voted for independence. This left Carroll the only survivor of the signers. On August 2nd afterwards, at a meeting in Fanueil Hall in Boston, Daniel Webster delivered a eulogy on the two departed ex-presidents. In one of his splendid periods the great orator gave voice to the feelings of American hearts toward the last survivor.

"Of the illustrious signers of the Declaration of Independence there now remains only Charles Carroll. He seems an aged oak, standing alone on the plain, which time has spared a little longer after all its contem-

1—Niles Register, Vol. 34, p. 216.

poraries have been levelled with the dust. Venerable object! we delight to gather round its trunk, while yet it stands, and to dwell beneath its shadow. Sole survivor of an assembly of as great men as the world has witnessed, in a transaction one of the most important that history records, what thoughts, what interesting reflections, must fill his elevated and devout soul! If he dwell on the past, how touching its recollections; if he survey the present, how happy, how joyous, how full of the fruition of that hope which his ardent patriotism indulged; if he glance at the future, how does the prospect of his country's advancement almost bewilder his weakened conception! Fortunate, distinguished patriot! Interesting relic of the past! Let him know that, while we honor the dead, we do not forget the living; and that there is not a heart here which does not fervently pray that Heaven may keep him yet back from the society of his companions."

Among the last recorded utterances of Charles Carroll of Carrollton, often quoted as his last words, is that deeply impressive statement:

"I have lived to my ninety-sixth year; I have enjoyed continued health, I have been blessed with great wealth, prosperity, and most of the good things which the world can bestow—public approbation, esteem, applause; but what I now look back on with the greatest satisfaction to myself is, that I have practiced the duties of my religion."

The winter of 1832 was approaching and Mr. Carroll had returned to his Baltimore residence. He had reached the age of ninety-five years and the time came for him to die. The last scene of his life took place in a large room in his house in Baltimore. On the night of November 14th, 1832, when the weather without was cold and

storming and when the autumn winds were strewing the leaves of Doughoregan, the old man sat in an easy chair surrounded by his family and servants and attended by Dr. Steuart, his family physician. Before him was a table on which blessed candles were burning and upon which stood a crucifix, and in an antique silver bowl, an heir-loom of the family, was holy water. By his side stood the Rev. Father John J. Chanche, President of St. Mary's College, and afterwards Bishop of Natchez; on each side of his chair, as though forming a picture group for some great artist, knelt a daughter of the house-hold in prayer; and in the back ground a number of negro servants, of the same faith as their master, bowed their heads in the agony of the impending bereavement, about to part with one whom they had loved since their childhood. With deep solemnity Father Chanche administered holy communion and the old man made repsonse to the litany for the dying. He had appeared to be unconscious of his surroundings, the proximity of the lights had caused him to close his eyes which were dim with years, but when the priest drew nigh with the sacrament he leaned forward fully alive to the great privilege he was to enjoy for the last time. He was tenderly lifted to his bed by his daughters and the attending physician, and, thanking them with the old time courtesy,—not forgotten in that last moment,—for the careful manner in which they had performed this last office, in a few minutes more the aged patriot was dead. And thus passed away the last survivor of the signers of the Declaration of American Independence, a champion of human liberty whose honor was without a stain and whose heart was without fear.

The pavement of the family chapel at Doughoregan

was lifted and underneath it was made the grave of Charles Carroll of Carrollton. No other monument marks the spot except the little chapel that was a part of his home. On the wall of the chapel is a scroll representing the Declaration of Independence, with a pen to call to mind the most famous act of his life and above these symbols of his earthly glory stands a cross.

In 1868, the Congress of the United States extended to each of the states an invitation to place the statues of two of its most distinguished citizens, to be chosen by the state authorities, in Statuary Hall in Washington. The act provides among other things that "the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their heroic renown or for distinguished civic or military services, such as each state may deem to be worthy of this national commemoration."

In 1898 the Assembly of Maryland made an appropriation to procure the statue of Charles Carroll of Carrollton and of John Hanson, who was President of the Continental Congress of 1781-82, to be placed in the Statuary Hall in the capital.

December 15th, 1902, the Governor of Maryland notified Congress that the statues were ready to be presented, and immediately the Senate resolved that exercises appropriate to the reception and acceptance of the statues should be made the special order for Saturday, January 31st, 1903, the House of Representatives concurring.

The statues are magnificent pieces of work in bronze made by Mr. Richard E. Brooks of Boston. On the day set for the ceremony of accepting the statues, the gal-

STATUE OF CHARLES CARROLL OF CARROLLTON,
STATUARY HALL, WASHINGTON.

lery of the Senate was reserved for the descendants of the distinguished men, and eloquent speeches were made by several members of both houses of Congress.

And there in Statuary Hall among the bronze and marble presentiments of the forms of the great men who laid the foundation of the republic, who fought its battles, and defended the liberty of its people, stands the statue of Charles Carroll of Carrollton. He is represented in the act of stepping forward to sign the Declaration of Independence, the act with which his name shall be associated for the remainder of the history of the world.

CHAPTER III.

ROGER BROOKE TANEY.

His Ancestry—His Childhood on the Farm—The Log School House, "Reading, Writing and Arithmetic"—He Is Sent to Dickinson College at Carlisle—His Graduation—Studies Law in Annapolis—His Student Life—His First Case—Returns to Calvert County—Is Elected Member of the Assembly—Death of Washington—Removes to Frederick City, Maryland—Is Married to Miss Key, Sister of the Author of the National Song—His Account of "The Star Spangled Banner"—His Quick Rise at the Bar—Removes to Baltimore—Is Appointed Attorney General of Maryland—Becomes Secretary of the Treasury of the United States—His Successful Policy—The Friend and Adviser of President Jackson—Is Appointed Associate Justice of the Supreme Court but not Confirmed—Finally Appointed Chief Justice of the Supreme Court to Succeed the Great Judge Marshall—His Long Career on the Bench—The Dread Scott Decision—His Old Age and Death.

Roger Brooke Taney, for twenty-eight years Chief Justice of the Supreme Court of the United States, was born in Calvert county, Maryland, March 17th, 1777. His father, Michael Taney, was the owner of an estate of several hundred acres, situated on the banks of the Patuxent river, about twenty miles from its mouth, and opposite the point in that wide stream where the British fleet anchored in 1814, when the attack was made on Baltimore.

His ancestors on his father's side were among the early settlers of the colony, and while their history prior to their coming to America is obscure, they were probably English. His mother, Monica Brooke, was a descendent of a good English family, whose record dates

back several centuries. She was a daughter of Roger Brooke, whose estate in Calvert county, adjoined that of Michael Taney. The first of the Brookes in Maryland was Robert, who arrived in the colony as early as 1650, and whose descendents held an eminent place in the official life and polite society of the most refined of all the colonies.

The childhood of the future Chief Justice was uneventful. Schools were few, and widely separated and his first opportunity of acquiring the rudiments of an education was had in a little log school house three miles from his home, which was the private property of a small farmer, who supplemented the meager income of his farm by teaching in the winter, for which he charged a nominal tuition. The course of study of that day comprised nothing more than the proverbial reading, writing and arithmetic. In a partial memoir of his life, written in his old age, Judge Taney details with great particularity a conspiracy on the part of the boys, who attended this school, to lock the teacher out when holidays were approaching and compel him to extend the time of vacation, in which enterprise the future judge was an interested spectator, being too small to engage in a trial of strength with the master.

All the members of his family were devout and practical Catholics. His father had been educated at St. Omer's, and his mother although deprived of acquiring higher education by the unfortunate conditions that existed in the colony in her early life, was a woman of rare refinement, and not wanting in the gifts and graces that crowned the lives of the colonial dames of Maryland.

Writing of her in his memoirs he says: "Her judgment was sound, and she had knowledge and qualities

far higher and better than mere human learning can give. She was pious, gentle, and affectionate, retiring and domestic in her tastes. I never, in my life, heard her say an angry or unkind word to any of her children, or servants, nor speak ill of anyone. When any of us, or the servants about the house, who were under her immediate control (all of whom were slaves) committed a fault, her reproof was gentle and affectionate. If any of the plantation-servants committed faults, and were about to be punished, they came to her to intercede for them; and she never failed to use her influence in their behalf, nor did she ever hear of a case of distress within her reach that she did not endeavor to relieve it. I remember and feel the effect of her teaching to this hour."

When the Taney children had acquired the beginning of an education in this humble log school house, their prudent father cast about for a broader field for the development of their minds.

Prior to the revolution, Catholics were not permitted by law to teach in Maryland, and this was so soon after independence had been won, that few schools where Catholic religious training might be acquired were in existence in the United States. Young Taney was sent to a sort of academy about ten miles from his home, conducted by a man named Hunter, but shortly after the boy entered the school, the master became demented and was drowned in the Patuxent river in an insane attempt to walk on the waves.

Mr. Taney then determined to employ a private tutor, and have his children educated at home. After two unsuccessful attempts to secure a man suitable for this service, David English, a native of New Jersey, undertook the duty of enlightening the mind of the future

Chief Justice. His knowledge of Latin was meager, and he had never studied Greek, but the tutor was an excellent English scholar and very devoted to his duty, and was largely instrumental in laying the foundation of that careful and exact habit of thought and expression that characterized the life and works of the Jurist. David English afterwards edited a paper in George Town, and in his old age he frequently visited the Supreme Court in Washington, and sat as an interested spectator while his distinguished pupil, now advanced in years, presided on the Supreme Bench. Nothing could be more affectionate and cordial than the companionship of scholar and teacher, during the recesses of the court.

Having been prepared for higher learning, it was decided to send young Taney to Dickinson College, at Carlisle, Pennsylvania, and at the age of fifteen, having been tossed about on land and sea for two weeks in traveling from his home by way of Baltimore to Carlisle, he found himself matriculated, with about forty others at that humble institution, and housed in the residence of Dr. Nesbit, who was at its head.

The Justice says in his memoirs: "I have not a great deal to say of my college life. It was all together a pleasant one."

The principal reason for sending the young student to Carlisle was that many of his neighbors and friends were there, and his father was well acquainted with the faculty of the college. He graduated in 1795, with the degree of Bachelor of Arts. He and another student were required to deliver an oration at the exercises of the graduating class, and Taney was chosen to pronounce the valedictory. He encountered the difficulties familiar to all graduates who

have discharged this important duty. What troubled him most was how to begin his oration, and it seemed to him that if he could once make a suitable introduction, a flow of thought would inevitably follow, and all of his troubles would vanish. Speaking of the matter years afterward he said: "The first two or three sentences gave me nearly as much trouble as all the rest of it put together. I am quite sure that I spent hours upon them, and wrote them over at least a dozen times." To his great relief the learned Dr. Nesbit, who examined his speech, returned it to him with but one or two slight corrections. Then came the Commencement Day that is an epoch in the lives of all students, and marked one of the most difficult triumphs in the whole career of Roger Brooke Taney. On an elevated platform, in the presence of a large audience who listened to his discourse with deep solemnity and attention and not without silent criticism of which he was profoundly sensible, the student of eighteen spoke his valedictory trembling in every limb, and in a voice husky and unmanageable.

The manuscript of this oration was in the hands of a professor who acted as prompter, and so intimately was it associated with the agony of that hour, that young Taney never called for it, and with nearly all the other valedictories that have been pronounced, the document written with such pains is lost to literature.

Having finished his education, the young man returned to the ancestral plantation and entered upon that trying period in the life of an educated youth, when his college life is finished and its memories haunt him with a sense of loneliness and he feels himself scarcely competent to take part in the affairs of the rude world. His father was a man of learning, but

after the fashion of country gentlemen of that day, he was extremely fond of out-door sports, and fox hunting was his favorite recreation. It was the custom of several planters to visit at the house of one of their number and spend a week or two, day after day, riding 'cross country behind the hounds.

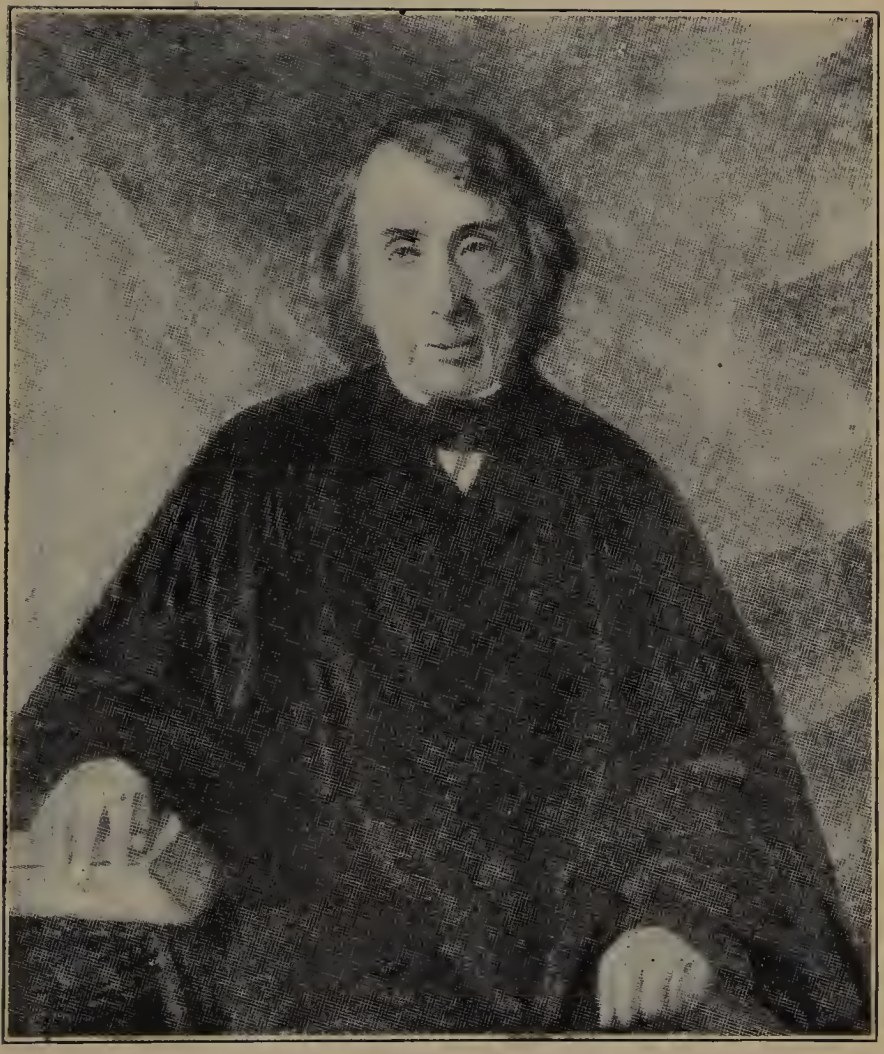
The slender and delicate graduate, by way of adventure joined a party of these hunters, soon after his return from Carlisle, but one day of hard riding through the woods, where brambles scratched his tender skin, and over logs and rocks and across swollen streams, convinced him that he was not "a mighty hunter in the land," and his forte did not lie in the chase.

His father was a believer in the custom of keeping the family estate in the name of the eldest son, and providing the younger sons with an education by means of which they might secure a livelihood, and he therefore determined that Roger, who was his second son, should study law. Accordingly in the spring of 1796, Roger Brooke Taney went to Annapolis, and began the study of law in the office of Jeremiah Townley Chase, who was at that time one of the judges of the General Court of Maryland. In that day courts were conducted with the greatest formality and dignity and were fortified and encouraged in the discharge of their duties by the utmost confidence of the people. Cases were not tried in the newspapers before they were tried in court, and juries were chosen with care from the highest class of society.

Taney was an extremely diligent student. "I determined not to go into society," he said, "until I had completed my studies, and I adhered to that determination. In the midst of the highly polished and educated society, for which that city was at that time distinguished,

I never visited in any family, and respectfully declined the kind and hospitable invitations I received. I associated only with students, and studied closely. I have for weeks together read law twelve hours in the twenty-four. But I am convinced that this was a mistaken diligence, and that I should have profited more if I had read law four or five hours, and spent some more hours in thinking it over, and considering the principles it established and the cases to which it might be applied. And I am satisfied also, that it would have been better for me if I had occasionally mixed in the society of ladies, and of gentlemen older than the students. My thoughts would often have been more cheerful, and my mind refreshed for renewed study, and I should have acquired more ease and self-possession in conversation with men, eminent for their talents, and position, and learned from them many things which law books do not teach. I suffered much and often from this want of composure and from the consciousness of embarrassment when I emerged from my seclusion and came into the social and business world."

In the spring of 1799, he was admitted to the bar. The student of law who requires encouragement may find comfort in knowing that at this time Taney gave but little promise of future eminence in his chosen profession. He was tall, slender, delicate and awkward, and was extremely susceptible of embarrassment, and though well read in law he lacked readiness of speech, and the consciousness that he knew what he wished to say, and yet wanted the power to express it clearly, added to his confusion when he first undertook to appear in court. He tried his first case in the Mayor's court of Annapolis, wherein he defended a man indicted for assault and battery growing out of a fight in which little mis-



CHIEF JUSTICE ROGER BROOKE TANEY.
From the original portrait in the Robing Room in the Supreme Court of the United States, Washington, D. C.

chief was done by either party. The mayor was a quiet old gentleman not versed in law, but there was an officer known as a recorder whose duty it was to furnish advice to the mayor and aldermen, and to preside in the mayor's court in the absence of the chief executive of the city. This was Gabriel Duvall, afterwards an associate justice of the Supreme Court of the United States. When Taney's first case was called for trial to his utter consternation the mayor was absent and the learned Duvall presided with great dignity. All the agonies of his valedictory were lived over again by the young lawyer in this first effort at the bar. He demanded a jury, and when the testimony was finished he proceeded to address the twelve good men and true in behalf of his client. What young aspirant for legal honors, doubting his ability to become a forensic advocate, cannot borrow encouragement from the experience of Taney on this trying occasion?

"I took no notes," said the future jurist, "for my hand shook so that I could not have written a word legibly if my life had depended upon it; and when I arose to speak I was obliged to fold my arms over my breast, pressing them firmly against my body; and my knees trembled under me so much that I was obliged to press my limbs against the table before me to keep me steady on my feet; yet under all these disadvantages I determined to struggle for composure and calmness of mind, and by a strong effort of will I managed to keep possession of my reasoning faculties and made a pretty good argument in the case, but in a tremulous and sometimes in a discordant voice, and inferior to what I could have made under more auspicious circumstances. A verdict in favor of my client hardly consoled me for the timidity I displayed and the want of physical firmness,

which seemed, I thought, little better than absolute cowardice."

Judge Taney was not the first great character in the world's history, nor the last, who was handicapped by a delicate constitution. To this he attributed, perhaps erroneously, the excessive stage fright of his early life, and the timidity in the presence of an audience which he always experienced.

Soon after he was admitted to the bar he returned to Calvert county. His father had been a member of the Assembly from that county for several terms, and at the general election of 1799, he requested his son, the fledgling lawyer, to try the fortunes of politics and become a candidate for member of the Assembly. The two parties of that day were the Federalists and the Republicans, later called Democrats, but in local and state affairs, parties were not considered, and the people discussed nothing but the qualifications of the candidates. Five young men offered themselves to the voters as candidates for this office. The election, according to the law and custom of that day, was held at the county seat, and occupied four days, during which the candidates sat on a raised bench at the polling place, in full view of the voters. The candidates were allowed to solicit the votes of the citizens who approached the polls, and the voter exercised his choice by calling out the name of the candidate he chose to vote for, which was immediately written down by the clerk of election, so that the candidates were always aware of the exact number of votes each had received. When it was all over, young Taney had received the highest number of votes and was elected. He took his seat in the General Assembly in November, 1799. During the session the death of Washington occurred, and in his memoirs he

describes the scene when the sad news reached Annapolis, and was announced in the Assembly.

"Immediately after the houses were organized the Senate sent down a message to the House of Delegates proposing to pay appropriate honors. Charles Carroll of Carrollton and John Eager Howard, two of the most distinguished men in Maryland, were appointed by the Senate to bring the message; and I never witnessed a more impressive scene. The two honored Senators, with their gray locks, stood at the bar of the house, with the tears rolling down their cheeks. The speaker and members rose to receive them, and stood while the message was delivered. It was no empty formal pageant. It was the outward sign of the grief within and few were present who did not shed tears on the occasion. My eyes, I am sure, were not dry." 1.

Nothing of historical importance except this sad event occurred during that brief session, and when it was over, Mr. Taney returned to Calvert county. At that time Calvert county was not very densely populated, and there was very little encouragement for the efforts of a young attorney where so little business was transacted. The town of Frederick, farther west in Maryland, was flourishing, and the conflicting interests naturally arising from the various business enterprises that were in progress there, gave promise of a large law practice, and to this beautiful little city, situated in one of the most fertile valleys in Maryland, and surrounded with the most picturesque and enchanting scenery in all that region, young Mr. Taney removed in 1801, and in a few days after his arrival the proverbial "shingle" invited the public to the office of "R. B. Taney, Attorney at Law." It is impossible, within the narrow limits of

1—Memoir of Roger Brooke Taney, Samuel Tyler, p. 85.

this biography to follow Judge Taney's practice of the law, from his beginning in Frederick. He rapidly acquired a reputation, and although there were a number of very able lawyers in Frederick, it was not long before he ranked with the foremost.

Near Frederick was the home of John Ross Key, whose son, Francis Scott Key, the author of the "Star Spangle Banner," was a fellow-law student of Taney, at Annapolis. In 1806, Mr. Taney was married to Miss Anne Key, the sister of the writer of that most inspiring of our national songs.

Fifty years afterwards, Mr. Taney, then the venerable Chief Justice of the Supreme Court, in a letter to Charles Howard, who married the eldest daughter of the Key family, wrote a fine account of the circumstances under which Francis Scott Key was inspired to compose that song that will stir the hearts of Americans as long as her flag shall wave. The letter is lengthy, but since nothing might be written more interesting and instructive it is here included in full:

"My Dear Sir—I promised some time ago to give you an account of the incidents in the life of Mr. F. S. Key which led him to write "The Star-Spangled Banner," and of the circumstances under which it was written. The song has become a national one, and will, I think, from its great merit, continue to be so, especially in Maryland; and everything that concerns its author must be a matter of interest to his children and descendants. And I proceed to fulfill my promise with the more pleasure, because, while the song shows his genius and taste as a poet, the incidents connected with it, and the circumstances under which it was written, will show his character and worth as a man. The scene he describes, and the warm spirit of patriotism which breathes

in the song, were not the offspring of mere fancy or poetic imagination. He describes what he actually saw. And he tells us what he felt while witnessing the conflict, and what he felt when the battle was over and the victory won by his countrymen. Every word came warm from his heart, and for that reason, even more than for its poetical merit, it never fails to find a response in the hearts of those who listen to it.

"You will remember that in 1814, when the song was written, I resided in Frederick, and Mr. Key in George Town. You will also recollect that soon after the British troops retired from Washington, a squadron of the enemy's ships made their way up the Potomac, and appeared before Alexandria, which was compelled to capitulate; and the squadron remained there some days, plundering the town of tobacco and whatever else they wanted. It was rumored and believed in Frederick, that a marauding attack of the same character would be made on Washington and George Town, before the ships left the river. Mr. Key's family was in George Town. He would not, and, indeed, could not, with honor, leave the place where it was threatened by the enemy; for he was a volunteer in the Light Artillery, commanded by Major Peter, which was composed of citizens of the District of Columbia, who had uniformed themselves and offered their services to the government, and who had been employed in active service from the time the British fleet appeared in the Patuxent preparatory to the movement upon Washington. And Mrs. Key refused to leave home while Mr. Key was thus daily exposed to danger. Believing, as we did, that an attack would probably be made on George Town, we became very anxious about the situation of his family. For, if the attack was made, Mr. Key would be with

the troops, engaged in the defense; and as it was impossible to foresee what would be the issue of the conflict, his family, by remaining in George Town, might be placed in great and useless peril. When I speak of we, I mean Mr. Key's father and mother, and Mrs. Taney and myself. But it was agreed among us that I should go to George Town and try to persuade Mrs. Key to come away with her children, and stay with me or with Mr. Key's father until the danger was over. When I reached George Town, I found the English ships still at Alexandria, and a body of militia encamped in Washington, which had been assembled to defend the city. But it was then believed, from information received, that no attack would be made by the enemy on Washington or George Town; and preparations were making, on our part, to annoy them by batteries on shore, when they descended the river. The knowledge of the preparations probably hastened their departure; and the second or third day after my arrival the ships were seen moving down the Potomac.

"On the evening of the day that the enemy disappeared, Mr. Richard West arrived at Mr. Key's, and told him that after the British army passed through Upper Marlbro on their return to their ships, and had encamped some miles below the town, a detachment was sent back, which entered Mr. Beanes's house about midnight, compelled him to rise from his bed, and hurried him off to the British camp, hardly allowing him time to put his clothes on; that he was treated with great harshness, and closely guarded; and that as soon as his friends were apprised of his situation they hastened to the headquarters of the English army to solicit his release; but it was peremptorily refused, and they were not even permitted to see him; and that he had been

carried as a prisoner on board the fleet. And finding their own efforts unavailing, and alarmed for his safety, his friends in and about Marlbro thought it advisable that Mr. West should hasten to George Town, and request Mr. Key to obtain the sanction of the government to his going on board the admiral's ship, under a flag of truce, and endeavoring to procure the release of Mr. Beanes before the fleet sailed. It was then lying at the mouth of the Potomac, and its destination was not, at that time known, with certainty. Dr. Beanes, as perhaps you know, was the leading physician in upper Marlbro, and an accomplished scholar and gentleman. He was highly respected by all who knew him; was the family physician of Mr. West, and the intimate friend of Mr. Key. He occupied one of the best houses in Upper Marlbro, and lived very handsomely; and his house was selected for the quarters of Admiral Cockburn, and some of the principal officers of the army, when the British troops encamped at Marlbro on their march to Washington. These officers were, of course, furnished with everything that the house could offer; and they, in return, treated him with much courtesy, and placed guards around his grounds and out-houses, to prevent depredations by their troops.

"But on the return of the army to the ships, after the main body had passed through the town, stragglers, who had left the ranks to plunder, or from some other motive, made their appearance from time to time, singly or in small squads; and Dr. Beanes put himself at the head of a small body of citizens to pursue and make prisoners of them. Information of this proceeding was, by some means or other, conveyed to the English camp; and the detachment of which I have spoken was sent back to release the prisoners and seize Dr. Beanes.

They did not seem to regard him, and certainly did not treat him, as a prisoner of war, but as one who had deceived, and broken his faith to them.

"Mr. Key readily agreed to undertake the mission in his favor, and the President promptly gave his sanction to it. Orders were immediately issued to the vessel usually employed as a cartel, in the communication with the fleet in the Chesapeake, to be made ready without delay; and Mr. John S. Skinner, who was agent for the government for flags of truce and exchange of prisoners, and who was well known as such to the officers of the fleet, was directed to accompany Mr. Key. And as soon as the arrangements were made, he hastened to Baltimore, where the vessel was to embark; and Mrs. Key and the children went with me to Frederick, and thence to his father's on Pipe Creek, where she remained until he returned.

"We heard nothing from him until the enemy retreated from Baltimore, which, as well as I can now recollect, was a week or ten days after he left us; and we were becoming uneasy about him, when, to our great joy, he made his appearance at my house, on his way to join his family.

"He told me that he found the British fleet at the mouth of the Potomac, preparing for the expedition against Baltimore. He was courteously received by Admiral Cochrane and the officers of the army, as well as of the navy. But when he made known his business, his application was received so coldly that he feared it would fail. General Ross and Admiral Cockburn—who accompanied the expedition to Washington—particularly the latter, spoke of Dr. Beanes in very harsh terms, and seemed at first not disposed to release him. It, however, happened, fortunately, that Mr. Skinner carried

letters from the wounded British officers left at Bladensburg; and in these letters to their friends on board the fleet they all spoke of the humanity and kindness with which they had been treated after they had fallen into our hands. And after a good deal of conversation, and strong representations from Mr. Key as to the character and standing of Dr. Beanes, and of the deep interest which the community in which he lived took in his fate, General Ross said that Dr. Beanes deserved much more punishment than he had received; but that he felt himself bound to make a return for the kindness which had been shown to his wounded officers, whom he had been compelled to leave at Bladensburg, and upon that ground, and that only, he would release him. But Mr. Key was at the same time informed that neither he, nor anyone else, would be permitted to leave the fleet for some days, and must be detained until the attack on Baltimore, which was then about to be made, was over. But he was assured that they would make him and Mr. Skinner as comfortable as possible while they detained them. Admiral Cochrane, with whom they dined on the day of their arrival, apologized for not accommodating them in his own ship, saying that it was crowded already with officers of the army; but that they would be well taken care of in the frigate *Surprise,* commanded by his son, Sir Thomas Cochrane. And to this frigate they were accordingly transferred.

Mr. Key had an interview with Dr. Beanes before General Ross consented to release him. I do not recollect whether he was on board of the admiral's ship or the *Surprise,* but I believe it was the former. He found him in the forward part of the ship, among the sailors and soldiers; he had not had a change of clothes from the time he was seized; was constantly treated with in

dignity by those around him, and no officer could speak to him. He was treated as a culprit, and not as a prisoner of war. And this harsh and humiliating treatment continued until he was placed on board of the cartel.

"Something must have passed, when the officers were quartered at his house on the march to Washington, which, in the judgment of General Ross, bound him not to take up arms against the English forces until the troops had re-embarked. It is impossible, on any other grounds, to account for the manner in which he was spoken of and treated. But whatever General Ross and the other officers might have thought, I am quite sure that Mr. Beanes did not think he was in any way pledged to abstain from active hostilities against the public enemy. And when he made prisoners of the stragglers, he did not consider himself as a prisoner on parole, nor suppose himself to be violating any obligation he had incurred. For he was a gentleman of untainted character and a nice sense of honor, and incapable of doing anything that could have justified such treatment. Mr. Key imputed the ill usage he received to the influence of Admiral Cockburn, who, it is still remembered, while he commanded in the Chesapeake, carried on hostilities in a vindictive temper, assailing and plundering defenseless villages, or countenancing such proceedings by those under his command.

Mr. Key and Mr. Skinner continued on board the *Surprise,* where they were very kindly treated by Sir Thomas Cockrane, until the fleet reached the Patapsco, and preparations were making for landing the troops. Admiral Cochrane then shifted his flag to the frigate, in order that he might be able to move further up the river and superintend in person the attack by water on

the fort; and Mr. Key and Mr. Skinner were then sent on board their own vessel, with a guard of sailors or marines, to prevent them from landing. They were permitted to take Dr. Beanes with them; and they thought themselves fortunate in being anchored in a position which enabled them to see distinctly the flag of Fort McHenry from the deck of the vessel. He proceeded then, with much animation, to describe the scene on the night of the bombardment. He and Mr. Skinner remained on deck during the night, watching every shell from the moment it was fired until it fell, listening with breathless interest to hear if an explosion followed. While the bombardment continued, it was sufficient proof that the fort had not surrendered. But it suddenly ceased, some time before day, and, as they had no communication with any of the enemy's ships, they did not know whether the fort had surrendered or the attack had been abandoned. They paced the deck for the residue of the night, in painful suspense, watching with intense anxiety for the return of day, and looking every few minutes at their watches to see how long they must wait for it; and as soon as it dawned, and before it was light enough to see objects at a distance, their glasses were turned to the fort, uncertain whether they should see the Stars and Stripes or the flag of the enemy. At length the light came, and they saw that "our flag was still there." And, as the day advanced, they discovered, from the movements of the boats between the shore and the fleet, that the troops had been roughly handled, and that many wounded men were carried to the ships. At length he was informed that the attack on Baltimore had failed, and the British army was reembarking, and that he and Mr. Skinner and Dr. Beanes would be permitted to leave them, and go where they

pleased, as soon as the troops were on board and the fleet ready to sail.

"He then told me that, under the excitement of the time, he had written the song, and handed me a printed copy of "The Star-Spangled Banner." When I had read it, and expressed my admiration, I asked him how he found time, in the scenes he had been passing through, to compose such a song? He said he commenced it on the deck of their vessel, in the fervor of the moment, when he saw the enemy hastily retreating to their ships, and looked at the flag he had watched for so anxiously as the morning opened; that he had written some lines, or brief notes, that would aid him in calling them to mind, upon the back of a letter which he happened to have in his pockets; and for some of the lines, as he proceeded, he was obliged to rely altogether on his memory; and that he finished it in the boat on his way to the shore, and wrote it out, as it now stands, at the hotel on the night he reached Baltimore, and immediately after he arrived. He said that, on the next morning, he took it to Judge Nicholson, to ask him what he thought of it; that he was so much pleased with it that he immediately sent it to a printer, and directed copies to be struck off in handbill form; and that he, Mr. Key, believed it to have been favorably received by the Baltimore public.

"Judge Nicholson and Mr. Key, you know, were nearly connected by marriage, Mrs. Key and Mrs. Nicholson being sisters. The judge was a man of cultivated taste; had, at one time, been distinguished among the leading men in Congress, and was, at the period of which I am speaking, the Chief Justice of the Baltimore Court, and one of the judges of the Court of Appeals of Maryland. Notwithstanding his judicial character, which

exempted him from military service, he accepted the command of a volunteer company of artillery; and when the enemy approached, and an attack on the fort was expected, he and his company offered their services to the government to assist in the defense. They were accepted and formed a part of the garrison during the bombardment. The judge had been relieved from duty, and returned to his family, only the night before Mr. Key showed him his song; and you may easily imagine the feelings with which, at such a moment, he read it and gave it to the public. It was, no doubt, as Mr. Key modestly expressed it, favorably received. In less than an hour after it was placed in the hands of the printer, it was all over town, and hailed with enthusiasm, and took its place at once as a national song.

I have made this account of "The Star-Spangled Banner" longer that I intended, and find that I have introduced incidents and persons outside of the subject I originally contemplated. But I have felt a melancholy pleasure in recalling events connected in any degree with the life of one with whom I was so long and so closely united in friendship and affections, and whom I so much admire for his brilliant genius, and loved for his many virtues. I am sure, however, that neither you, nor any of his children or descendants, will think the account I have given too long.

With great regard, dear sir,

Your friend truly,

R. B. Taney. 1.

One of the most celebrated cases tried by Mr. Taney during his practice at Frederick, was his defense, in 1819, of Rev. Mr. Gruber, a Methodist minister from Pennsylvania, who had violated the law of Maryland by preach-

1—Memoirs of Roger B. Taney, Samuel Tyler, p. 109.

ing an inflammatory sermon against slavery at a camp-meeting near Frederick, where three thousand persons, a part of whom were negro servants, were present. Although the statute of Maryland provided a heavy penalty for speaking or teaching anything having a tendency to cause an insurrection of slaves, Mr. Taney defended the preacher on the ground that this statute was unconstitutional and in conflict with the provisions guaranteeing the right of free speech. Mr. Gruber was acquitted. Forty years later he would not have fared so well if he had attacked slavery.

By this time Mr. Taney had advanced until he ranked among the first lawyers in Maryland, although at that day Luther Martin and William Pinkney, each the opposite of the other, the first slovenly, intemperate and disinclined to study, relying on the vast powers of his sublime intellect, the other courteous as ancient knighthood, faultlessly dressed, and a student of unremitting industry, all added to powers of mind almost colossal in grandeur, furnished the younger lawyers of Maryland with examples of strength and learning, which they might attempt to follow with profit, but which no one ever excelled.

Both of these men finished their earthly career about the same time, Martin in 1822, and Pinkney a year later, leaving a blank in the Baltimore bar, which attracted the attention of Taney. His reputation had now spread all over the state, and in 1823, he resolved to try his fortune in the beautiful city on the Chesapeake. He was the adviser of Charles Carroll of Carrollton during the remaining years of the life of the last and wealthiest signer of the Declaration of Independence, and wrote the will of Carroll. It is said that he advised Mr. Carroll to divide up his vast landed estate among his

children. "Your son," said Mr. Taney, "will be nothing but a fox hunter if you keep such a large estate in one body." "And if I divide it," said Carroll, "all my children will be fox hunters."

In 1827 Mr. Taney was appointed Attorney General of Maryland by Governor Kent, although he differed politically from the Governor, and as proof of his reputation in Baltimore, he was recommended for this office by all the attorneys in the city. He often said he never desired to hold any office except that of Attorney General of Maryland. Politically, Mr. Taney began life as a Federalist. This was the party which, under the prestige of the favor of Washington and Adams, controlled the affairs of government for the first twelve years of its existence. It was opposed by the party of Thomas Jefferson, which came into power in 1801, and continued in full control until 1824. Many of the Federalists, especially in New England, opposed the second war with Great Britain, and thus shared the fate of parties who oppose a nation in time of war. Judge Taney forsook the party that was not favorable to the struggle with England, and became a warm supporter of General Jackson.

President Jackson was inaugurated March 4th, 1829, and on June 21st, 1831, Roger Brooke Taney was appointed Attorney General of the United States by President Jackson. He was the first Catholic who was a member of the Cabinet.

The Attorney General as the adviser of the President was confronted with one of the most difficult problems encountered in our history. Up to this time the money of the United States was deposited in and controlled by what was known as the bank of the United States. The stock of this institution was held by private individ-

uals, and it yielded a large income. Its charter expired in 1836, and President Jackson and his party were opposed to the renewal of the charter. In 1832 Congress passed a bill extending the charter, and Mr. Taney was called upon by the President to state the reasons why the bill should be vetoed. These objections were stated in the President's message to Congress before the bill was put upon its final reading, and so great was the influence of the President's oppositon, stated with such clearness and vigor by the learned lawyer, that the bill was defeated and Jackson was re-elected President on the issue made by his opposition to the bank.

At this time John C. Calhoun, Senator from South Carolina, taught the doctrine that a state had a right to decide that a law of the United States was unconstitutional, and therefore that a state might repudiate and nullify an act of Congress. The people of South Carolina were hotly opposed to the new tariff law; their lawyers and the members of their legislature openly declared that it was unconstitutional and Calhoun argued with iron logic, that since the Federal Constitution had been established by the consent of each state separately, and since it required the consent of three-fourths of the states to amend it, that it was reasonable to infer that the Constitution conferred power on three-fourths of the states to settle any question that was raised between the states and the Federal government—that the same power that could amend the Constitution could construe it. And from this he derived the doctrine that until a law of doubtful constitutionality was finally ratified by the states, any state had a right to disregard it. He taught that when an issue was presented between a state or states, and the general government, it should be submitted to all the states for settlement, and even then a

state, instead of submitting to the decision, might lawfully secede from the Union. This unfortunate doctrine, championed by one of the first intellects of the age, led to the Civil war and cost half a million lives and countless treasure.

General Jackson and his adviser, Mr. Taney, opposed the teaching of Calhoun with the utmost energy, declaring it to be destructive of all Federal authority, and that the Supreme Court, instead of the states, was the lawful interpreter of the Constitution.

The election of Andrew Jackson as President of the United States marks an epoch in the political history of the world. Before this time men had become rulers of nations through the fortunes of war, or by the force of their own genius; power had been vested in men by the arbitrary choice of armies, kings were enthroned by other kings, or chosen by a proud nobility, but Andrew Jackson was the first man who was ever called from the ranks of the common people to the highest place in a nation by the free choice of a free people. His predecessors, Washington, Adams, Jefferson, Monroe, and the younger Adams, were representatives of the American aristocracy of the colonial period. They were of gentle birth and breeding, schooled in all the arts of aristocratic life, but Jackson was the son of an Irish farmer, who was driven forth into exile by the injustice of his landlord. He was fearlessly and scrupulously honest. He had a horror of debt, and a just suspicion of the mischief naturally resulting from the accumulation of vast fortunes and the control of the money of the country in the hands of a few. In the election of 1832 he placed himself before the people with the declaration that if he were elected, he would remove the money of the United States, which up to that time had been deposited in the

banks of the United States, to the different state banks all over the Union. This measure was opposed by nearly every wealthy man in the United States, and was fought with the utmost bitterness, and with the aid and skill of lawyers and business men who were among the first intellects in the land. In this heroic struggle of Jackson, with what he called the "money power," his tried and true supporter and friend was Roger Brooke Taney. In 1833 Jackson, who was spending a short vacation away from Washington, wrote to Taney: "Should we remove the deposits, I would not be surprised if the bank would rebel against our power, and even refuse to pay to the order of the government the public money. * * * Every investigation gives us evidence of the assumed power of this monster. * * * We must test this matter and meet it fearlessly and boldly; and no doubt remains in my mind but we will be sustained by the people." 1.

William J. Duane, who was Secretary of the Treasury, was not in sympathy with Jackson, and the President unceremoniously informed him that he had no further use for his services. And on September 23d, 1833, Roger Brooke Taney was appointed Secretary of the Treasury, and immediately entered upon the discharge of the duties of that office.

In accordance with the plan of the President, Taney immediately ordered that the revenues collected by the United States should be deposited with the state banks that had been selected for the purpose, instead of the bank of the United States, as formerly, and the deposits already in the United States bank were ordered to be drawn out when needed for use by the government, thus making the change gradually.

1.—Memoirs of Roger Brooke Taney, Tyler, p. 201.

A financial panic ensued. The money of the nation was locked up, and a tremendous struggle between the business interests of the country and the administration was the result. Vile abuse was heaped upon Jackson and Taney. Nothing in our history is more heroic than the firmness and calmness with which these two great characters bore the villification that was heaped upon them, in their efforts to rid the country of a power which they conscientiously believed to be the worst enemy of its welfare. Mr. Taney said: "It is a fixed principle of our political institutions to guard against the unnecessary accumulation of power over persons and property in any hands. And no hands are less worthy to be trusted than those of a moneyed corporation." 1.

The Senate, under the leadership of Henry Clay, passed a resolution condemning the course of Jackson and Taney in removing the deposits as unjustifiable, but the House of Representatives elected at the same time with Jackson, justified the President and Secretary and declared against renewing the charter of the Bank of the United States.

The arbitrary act of Jackson in discharging the former Secretary and appointing Mr. Taney in his place, was the first of the kind in our history, and the appointment of Taney was not submitted to the Senate for confirmation until June, 1834, and the Senate, which was not in sympathy with the administration, promptly rejected the appointment. Immediately afterwards, Mr. Taney resigned, which caused great regret to the President. Secretary Taney had accomplished the great object of his appointment, and had no further duty to perform except the routine work of the office, which was

1—Memoirs of Roger Brooke Taney, Tyler, p. 212.

not suited to his taste, and it was his purpose to devote the remainder of his life to the practice of law in Baltimore. In accepting his resignation, President Jackson wrote: "For the prompt and disinterested aid thus afforded me at the risk of personal sacrifices, which were then probable, and which have now been realized, I feel that I owe you a debt of gratitude and regard which I have not the power to discharge. But, my dear sir, you have all along found support in a consciousness of right; and you already have a sure promise of reward in the approbation and applause which an intelligent and honest people always render to distinguished merit."

The panic caused by changing the deposits began to subside and unusual prosperity came to the country, partly caused by the fact that the nation's money being deposited in state banks, could be more readily borrowed, and Jackson and Taney became extremely popular. Resolutions approving their course were passed at meetings all over the United States. In August, 1834, Mr. Taney was given a dinner at Frederick, where he had practiced law so many years, and in reply to an address of welcome by a distinguished citizen, said: "It was evident, if this ambitious corporation should succeed in its designs, that the liberties of the country would soon be destroyed and the power of self-government would be wrested from the people, and they would find themselves at no distant day, under the dominion of the worst possible government—a moneyed aristocracy." 1.

An incident occurred while Mr. Taney was Secretary of the Treasury, which shows his scrupulous respect for official ethics and his high ideal of the faithfulness with which public duties should be discharged. An officer of

1—Memoirs of Roger Brooke Taney, Tyler, p. 228.

the custom house in New York, who was one of his admirers, sent him two boxes of cigars. The statutes of the United States did not then, as now, prohibit officers of the government from receiving presents from subordinates, and although it was not the custom, gifts were often received. No letter accompanied the cigars, and there was nothing on the package to indicate who had made the present, and it was not until after Mr. Taney's resignation that he discovered who the donor was. He was fond of cigars, and the gentleman who had made the present had selected the peculiar brand that was the choice of the Secretary. When Mr. Taney discovered that it was Samuel Thomson of Delaware, one of his dearest friends, who had sent him the cigars, he wrote him a very kind and friendly letter thanking him for his kindness, but insisting that he could not accept the present, and asking as a favor that he might be allowed to pay for the cigars, and desiring Mr. Thomson to let him know what they were worth. "I repeat that you must not feel any mortification at my refusal to accept the cigars as a present," he wrote. "But it has been a fixed rule with me to accept of no present, however trifling, from anyone, the amount of whose compensation for a public service depended upon the department over which I presided. You will perhaps smile, at what you think, my fastidiousness about such a trifle as your cigars. But I have thought it the true rule for a public man, and that it ought to be inflexibly adhered to in every case, and without any exceptions in the smallest matters." 1.

After some correspondence, Mr. Thomson finally admitted that the cigars had cost him $10.00, which was

1—Memoirs of Roger Brooke Taney, Tyler, p. 236.

promptly forwarded to him by the former Secretary, after which Mr. Taney enjoyed the cigars.

At this time Gabriel Duvall, the Recorder at Annapolis, before whom Mr. Taney tried his first case, had served twenty-three years as an Associate Justice of the Supreme Court. He was advanced in years, and in feeble health and seriously considered resigning from the bench. He was a strong opponent of the policy of President Jackson, and was very apprehensive that Jackson might appoint some political favorite in his place. It was certain that if he resigned, Jackson would appoint no one but a friend of his administration. One day it was communicated to him by Mr. Carroll, Clerk of the Supreme Court, that the President might appoint Mr. Taney, if the Associate Justice resigned. And notwithstanding the opposition of Judge Duvall to Jackson, such was his admiration of the timid young man, whose first case was tried in his court, and his high appreciation of the character of the distinguished lawyer into which the bashful beginner developed, that he expressed his willingness to resign if the President would appoint the former Secretary of the Treasury.

John Marshall, the great Virginian, and counterpart of Jefferson in the simplicity of his manners, and the sublime powers of his intellect, but originally opposed to Jefferson—receiving his appointment from John Adams—was about to finish a noble career as Chief Justice of the Supreme Court of the United States. He, too, was opposed to Jackson's policy, but when he learned that the President favored Mr. Taney, he privately used his influence for the appointment of his future successor. In January, 1835, Judge Duvall resigned, and General Jackson immediately appointed Roger Brooke Taney an Associate Justice of the

Supreme Court. But the Senate, still composed largely of the same members who had made such violent opposition to the policy of Mr. Taney as a Cabinet officer, postponed the consideration of confirming the appointment indefinitely. In this there was nothing personal against Mr. Taney, the sole ground of the opposition being the well known hostility of Taney to the Bank of the United States, and its wealthy stockholders and supporters. The appointment of Judge Taney remained in abeyance until December, 1835, when Chief Justice Marshall died. President Jackson immediately appointed the distinguished Marylander Chief Justice of the Supreme Court of United States, to fill the vacancy caused by the death of Judge Marshall, and sent his name to the Senate for confirmation. After a bitter opposition on the part of some of the Senators, founded on their dislike of Jackson and on their loss of prestige, resulting from Jackson's successful opposition to the Bank of the United States, the appointment was confirmed on March 15th, 1836, and Chief Justice Taney entered upon his long and brilliant career as the presiding officer of the highest tribunal of the nation. He was the fifth Chief Justice of the Supreme Court. Three had been appointed during the administration of Washington, but for various reasons their terms of office did not long continue.

The non-professional reader may be interested in a consideration of the nature of the duties imposed upon the Supreme Court of the United States by the Constitution. Under the Constitution, the three departments of government—the legislative, executive, and judicial are of equal dignity, and are designed each to be a check upon the other. Congress has power to make laws, the President to approve or veto them, and the Supreme Court has the exclusive power to decide whether or not

they are in accordance with the Constitution, and if a law is deemed unconstitutional by the Supreme Court, it is void, and there is no appeal from the decision, to any other department of the government. By the provisions of the Constitution, the jurisdiction of the Supreme Court extends to cases originally commenced in the Supreme Court, such as controversies in which the United States, or a state, is a party, suits between states, and in cases in which ambassadors, foreign ministers, and consuls, may sue or be sued. In all other cases arising under the laws of the United States, or its treaties, or in which some constitutional right is invoked, the Supreme Court has jurisdiction by appeal from the lower courts. When a question is once decided by the Supreme Court of the United States it becomes a fixed and settled law, and all the lower courts of the United States must follow the precedent. The reader will understand that there are state courts as well as federal courts, and the state courts, having a different system of jurisdiction, are not bound to follow the decisions of the courts of the United States, except in cases involving the United States laws or Constitution.

From this somewhat loose statement of the jurisdiction of federal courts we may see at a glance what great power is vested in the highest court of the land. Its members are appointed for life, or during good behavior, and their salary cannot be diminished during their service. The framers of the Constitution believed that the people could safely rely on this highest court to protect them from the possible injustice of Congress and the President, if the legislative and executive departments of the government, should ever, in a spirit of tyranny, attempt to transgress the rights of American citizens guaranteed by the Constitution. This is the greatest

trust ever reposed in any body of men in the history of mankind. No other court in the world has such power, and when one steps into the court room, when the Supreme Court is in session, he may realize that notwithstanding the air of democratic simplicity that seems to prevail there, he is in the presence of the most august and powerful secular tribunal on earth.

It was over this court that Roger Brooke Taney was called to preside, and during the twenty-eight years that he occupied this exalted station, the settled rights of citizens of the United States guaranteed by the Constitution, had no more zealous champion or able defender than the distinguished lawyer who began his career in the Mayor's court in Annapolis. From the day he made that inauspicious beginning, his practice was so varied and so constant that he became perfectly familiar with the procedure of every court, from that of a simple magistrate, to the most complicated case in the highest court of the land. There was no rule of practice with which he was not familiar, and his long association with members of the bar as a practitioner, gave him a sympathy with the practicing lawyer, and a thorough understanding of the difficulties that beset the path of him who is toiling for legal honors.

Chief Justice Taney was by nature a man of impetuous temper, but by long and patient self-control, his natural disposition was curbed and restrained to a dignified deportment, which in his long career as a judge, as well as a lawyer, was never for a moment relaxed. "The fiery temper of his soul," says Samuel Tyler, in his life of Taney, "had been chastened by that form of Christianity which is ministered by the church that sits

on the seven hills of Rome, the Imperial Mistress of the moral order of the modern world." 1.

During his twenty-eight years on the bench, listening day after day to "weary lawyers with endless tongues," he was never guilty of a show of impatience, much less an ebulition of temper. He was a man of delicate constitution and nervous temperament, but so perfect was his control, by the long and continued discipline of his mind over the infirmities of his body, that his uniform kindness, evenness of temper, and gentleness of manner, remain as one of the beautiful traditions of the Supreme Court. His kindness of heart was well known to all who came in contact with him. One cold morning on his way to preside over the Supreme Court his attention was attracted to a little negro girl who had been sent for a bucket of water, and was endeavoring to work a pump that was too hard for her, while a pirecing cold wind was blowing the water away from the bucket. The Chief Justice went into the yard, took the bucket in one hand and pumped it full of water with the other, and gave it to the little girl. "Tell whoever sent you," he said, "that I have decided that it is wrong to send such a small girl to pump water at a pump that works as hard as this one does, especially on such a cold day."

To follow the labors of Judge Taney, giving and abstract of the important cases in which he wrote opinions, would not be possible within the limits of this sketch, and may not be interesting to the reader at this date, and therefore, with the exception of a few important cases which will be referred to later, we must leave his judicial record to be investigated elsewhere.

In those days it was customary for the justices of the Supreme Court to sit as trial judges in their respective

1—page 234.

circuits. A remarkable trial in Baltimore involving a copyright to a piece of music was presided over by the Chief Justice. A song called the "Old Arm Chair," composed by Miss Eliza Cook, was set to music by a Mr. Henry Russell. George P. Reed, a music seller in Boston, had the copyright of the music, and Samuel Carusi, a music publisher in Baltimore, availed himself of the popularity of the song, and adapted the words to an air very similar to the one which had been copyrighted, and proceeded to sell the song as if it were his own. Mr. Reed, who had copyrighted the air, sued Carusi for damages and for an injunction to restrain him from publishing or selling the song. The case presented many novel features, and the reader can well understand how difficult it is to prove that one air differs from another without hearing the music. The attorney for Reed proposed that a professional singer be brought in to sing both songs for the jury, in order that the jury might decide whether or not the airs were the same. The attorney for Carusi strenuously objected, but the Chief Justice overruled the objection, stating that he would make a rule in the case which he considered a reasonable one, even if nothing of the kind had ever been done before. And accordingly Mr. John Cole, a noted singer of that date, came into the court room and sang the well known song with the air as originally copyrighted by the plaintiff, and then repeated the song with the air as imitated by the defendant. The jury found that there was practically no difference in the songs, and decided in favor of Mr. Reed.

The domestic life of Judge Taney, as described by those who were admitted to his family circle, was singularly beautiful. His mother lived with him during her old age, while he practiced law at Frederick, and was buried in the Catholic cemetery in that city. His life-long devo-

tion to his wife, through their fifty years of married life, was a fact observed and commented on by their admiring friends. On the forty-sixth anniversary of his marriage, he wrote to Mrs. Taney:

"Washington, Jan. 7, 1852.

I cannot, my dearest wife, suffer the 7th of January to pass without renewing to you the pledges of love that I made to you the 7th of January forty-six years ago. And although I am sensible that in that long period I have done many things I ought not to have done, and have left undone many things that I ought to have done, yet in constant affection to you I have never wavered,—never being insensible how much I owe to you,—and now I pledge to you again a love as true and sincere as that I offered on the 7th of January, 1806, and shall ever be,

Your affectionate husband,

R. B. Taney. 1.

Mrs. Anne Taney."

It has been a custom since the foundation of the Government for the Chief Justice of the Supreme Court of the United States to administer the oath of office to the President-elect at each inauguration, and to the Vice-President in the event of the death of the Chief Executive. Any person vested with the power to administer oaths, even a notary public, might swear the President, but to lend dignity to the occasion this function is very properly discharged by the highest judicial officer of the nation. Judge Taney administered the oath of office to eight Presidents, beginning with Martin Van Buren and ending with Abraham Lincoln. Two letters, unexcelled in the courtesy, dignity, and the mutual respect with which they were written, the one from Zachary Taylor, about to be inaugurated as President, and requesting

1—Tyler's Memoir, p. 316.

the Chief Justice to attend for the purpose of administering the oath of office, and the other from Judge Taney accepting the invitation, afford us specimens of official correspondence, eminently worthy of those gentlemen of the old school:

"Washington, D. C., March 3rd, 1849.

Sir:—Expecting to take, on the 5th inst., the oath of office as President of the United States, I have the honor to request, if it be agreeable to you, that you will attend for the purpose of administering the oath at the time and place indicated by the committee of the Senate.

In soliciting the favor of your attendance, I not only comply with a long-established custom, but also give expression to the high respect which I entertain for the Supreme Bench, and its august presiding officer.

I have the honor to be, with the highest esteem,

Your most obedient servant, Z. TAYLOR.

His Honor Roger B. Taney,
Chief Justice of the United States."

Reference is made to the 5th of March for the reason that the 4th was Sunday in 1849. On receipt of this invitation, the Chief Jsutice immediately replied as follows:

"Sir:—It will give me much pleasure to administer to you the oath of office as President of the United States on the 5th inst., and the duty will be the more agreeable because the high trust to which you are called has been spontaneously bestowed by the American people upon a citizen already so eminently distinguished for the able and faithful discharge of great public duties.

I have the honor to be, sir, with the highest respect,

Your obedient servant, R. B. TANEY.

General Z. Taylor,
President-elect of the United States."

It was the peculiar fortune of Chief Justice Taney in the course of his official life, to render an opinion of the Supreme Court, which will live in history as one of the most portentous judicial documents ever written by the hand of man. What is known in history as the Dred Scott decision is often assigned as one of the causes which precipitated the civil war. The style of the case was "Dred Scott vs. John F. A. Sanford." It was a suit brought in one of the lower Federal Courts by Scott, who was a negro slave, for the liberty of himself and his family. Sanford's attorneys made a motion to dismiss the case on the ground that Scott, being a negro and a slave, was not a citizen, and could not become a citizen, and since the court had jurisdiction to try cases only in which citizens or foreign subjects were parties, it had no right to entertain the case, and no jurisdiction to try a case in which a negro slave was a party. It was in deciding this question that the opinion fraught with such tremendous consequences, and which will live through the ages identified with the name of the great Chief Justice, was delivered, in March, 1857, immediately after the inauguration of President James Buchanan. The opinion is one of the lengthiest ever delivered by the Supreme Court, covering more than ninety pages of closely printed matter. Eight judges took part in the decision, six of whom concurred in the judgment, two dissenting. The learned Chief Justice reviewed the history of slavery from the beginning of recorded time, and especially as it existed under the law of England, and in the colonies prior to the Revolution. He declared that the Constitution directly recognized slavery. In 1820, when Missouri was admitted to the Union, a compromise was made by which it was agreed that Missouri should be admitted as a slave state, but that all future states carved out of

the territory west of the Mississippi river, and north of latitude 36 degrees and 30 minutes, which is the south line of Missouri, should be free states or slave states as the people of the territory applying for admission should decide. This was made a law of the United States, and was responsible for the struggles incident to the early settlement of Kansas, where a contest for supremacy between pro-slavery and anti-slavery settlers, each seeking to dominate the character of the territory as free or slave, made one of the tragic chapters in the history of the West. The Supreme Court held in the Dred Scott Decision that the Missouri Compromise was void, and that if a man had a right to own a slave in one part of the Union, he did not lose his property by moving the slave to any other part of the Union, no more than he would any other property. Dred Scott had been removed by his owner from Missouri to Illinois, and from Illinois to Minnesota, and some of his children were born in a free state, and on that ground he claimed that his master lost his right to own him when he was removed to free territory, and acquired no right to the children born on free soil. But these points were all decided against him on the ground that the Constitution protected the right of property everywhere within the United States.

In delivering this opinion, the Supreme Court was not advocating slavery purposely, but interpreting the supreme law of the land. Slavery existed in every State at the time the Constitution was adopted, and a State had no power to cancel or destroy the right of property of any citizen. The Dred Scott Decision immediately caused the greatest excitement throughout the Union. Judge Taney was denounced as if it had been his personal and private opinion that a negro had no rights that a white man was bound to respect. And many unjust

expressions were used in reference to the Supreme Court.

Judge Taney was not a believer in slavery. Several slaves were left to him by his father, but he liberated all of them and gave a pension to those who were old, and charged a member of his family with the duty of paying his pensioners once a month, and taking care to make the payments in silver half dollars, in order to prevent any one from cheating the ignorant old negroes out of more than fifty cents at a time. In rendering the Dred Scott Decision, Judge Taney interpreted the Constitution as it applied to slavery, rather than expressed his sentiments towards the negro. When his negro servant, who was afflicted with heart disease, was drafted for the Union army, although the Chief Justice might have exerted sufficient influence to have him rejected on account of his disqualification to become a soldier, he hired a substitute for the negro at his own expense. The army surgeon's brief examination might not discover the malady of the negro, and his death would certainly result if he were subjected to the hardships of a soldeir's life, and Judge Taney rather than lower the dignity of the Supreme Court by using his influence with any officer, and out of his attachment for the faithful servant, paid the exorbitant price demanded by the substitute.

The civil war, with all of its horrors and bloodshed, was a cause of such deep distress to Judge Taney as to cast a gloom over the latter years of his life. During his long public service, he took an active part in public measures, which foreshadowed the tragic struggle. He had great faith in the efficacy of the decisions of the Supreme Court to allay public feeling, and believed that the Dred Scott Decision would settle the slavery question, but suffered the disappointment of witnessing a renewed agitation caused by the decision, and conducted

with more bitterness than ever before. When he attended the inauguration of Abraham Lincoln and heard the speech delivered by the new President, he left the ceremonies with the most solemn forebodings of the impending struggle. That day marked an epoch in our history. The influence which guided the affairs of the nation had shifted from South to North.

In the first year of the war, a proceeding was had before Judge Taney, which illustrates the tremendous power that is vested in the President of the United States in certain emergencies, a power falling little short of that exercised by an absolute monarch. Since the day when the Magna Charta was signed by the unwilling King John, at the swords' points of the chivalry of England, led by the heroic Bishop Langton, the right to the writ of *habeas corpus* has been sacredly guarded by the English speaking races of the world, and whoever is imprisoned without due process of law, must immediately be brought before a court on an application for that purpose, and his case inquired into. John Merryman, a citizen of Baltimore, was arrested by a military force under the orders of a Major General of the army, and was imprisoned in Fort McHenry, in Maryland. The President had issued orders to arrest all persons having in their possession arms belonging to the United States, and avowing a purpose of armed hostility against the government, and officers were authorized to suspend the writ of *habeas corpus* in such cases for the public safety. This strict order was considered necessary on account of the imminent danger in which the government at Washington then seemed to be, and for the purpose of suppressing a disposition on the part of many citizens of Maryland to capture the state for the confederacy with force and arms. The

Chief Justice was in Baltimore and a friend of Merryman applied to him for a writ of *habeas corpus,* which was granted, and by which the marshal of his court was directed to bring John Merryman before the court for the purpose of inquiring by what authority he was held as a prisoner. Merryman had been imprisoned in Fort McHenry without any process being served upon him, and without any formal accusation having been made against him, and was held a prisoner merely because he was suspected by the officers of the army of having hostile intenitons towards the government. Under the Constitution no citizen can be deprived of his liberty without due process of law, and the venerable Chief Justice of course expected that the army officer in command of the fort would promptly deliver Merryman to the marshal in obedience to the writ. But the commanding officer refused to turn over the prisoner and gave as a reason that he was acting under the instructions of his superior officer who received his orders directly from the President, the Commander-in-Chief of the army. The Chief Justice then issued an attachment for contempt, directing his marshal to bring before him the officer in command of Fort McHenry who had disobeyed the order of the Supreme Court and refused to allow its writ to be executed. But when the marshal again presented himself at Fort McHenry, and undertook to arrest the recalcitrant officer, he was not admitted within the gate, and the card that he sent in was answered by a statement that the commanding officer of Fort McHenry had no duty to perform in the presence of the Chief Justice of the Supreme Court. The indignant Chief Justice then wrote one of his ablest opinions, in which he commented at length on the tremendous power exercised by the President and the dreadful situation of affairs in which the civil process of

the Supreme Court was not respected. This was the first time that the executive and judicial functions of the government directly clashed with one another.

The declining years of Judge Taney were chastened by the death of his beloved wife and daughter, which occurred about the same time, in 1855, from yellow fever, while the family were visiting at Old Point Comfort, Virginia. In the desolation and utter loneliness of his old age the venerable Judge bore his affliction with the calmness and faith of a Christian trained from childhood to submit with patience to the decrees of Providence. Father John McElroy, who was his pastor in Frederick City, visited him a short time after the death of Mrs. Taney, and years afterwards wrote to Mr. Samuel Tyler, the biographer of Taney, a letter, in which he refers to this incident, and to the religious life of the great Chief Justice:

"Frederick, March 2, 1871.

My Dear Sir:—In answer to yours of the 28th ultimo, I have to state, at your request, the few particulars of which I am cognizant concerning Judge Taney's *practical religion.*

An essential precept (as we think) of the Catholic church is confession for the remission of sins—very humiliating to the pride of human nature; but the well-known humility of Mr. Taney made the practice of confession easy to him. Often have I seen him stand at the outer door leading to the confessional in a crowd of penitents, *the majority colored,* waiting his *turn* for admission. I proposed to introduce him by another door to my confessional, but he would not accept of any deviation from the established custom.

A few days after the death of his wife, I called on him in Baltimore. He was much crushed and broken in

spirit after such a severe bereavement, as might be expected. He received me, however, with his usual kindness and courtesy. During my visit, a gentleman, with his carriage, sent to let Mr. Taney know that he came expressly to give him a little airing in a drive to the country for an hour or two. He (Mr. Taney) sent for answer that he must decline his kind offer; and then, turning to me, he said: 'The truth is, Father, that I have resolved that my first visit should be to the Cathedral, to invoke strength and grace from God, to be resigned to His holy will, by approaching the altar and receiving holy communion'—preceded of course by confession.

I must confess, this edified me very much. In Washington, he continued to practice all the duties prescribed by the Catholic church.

I am pleased to find you engaged earnestly in the life of this great and good man, and hope to see it soon circulated extensively, as no doubt it will be.

With great respect, I am,

Your obedient servant,

JOHN MCELROY.

Mr. Samuel Tyler." 1.

The deep religious feeling of the Chief Justice, while it may have been unobserved by those who had occasion to associate with him in the course of business, nevertheless formed the basis of the ruling principle of his life.

He was affectionate to all of his kindred, and the exalted station that he occupied, and the multitude of cares that filled his life, did not prevent him from keeping in constant communication with even the least fortunate of his relatives. He was particularly attached to his cousin, Ethelbert Taney, a humble farmer who lived near Han-

1—Memoirs of Roger Brooke Taney, Samuel Tyler, p. 476.

cock, Maryland. In a letter to this cousin, shortly after the death of his wife, Judge Taney said: "But it has pleased God mercifully to support me through this visitation, and to recall my bewildered thoughts, and enables me to feel that this chastisement comes from Him, and that it is my duty to submit to it with calmness and resignation. And I do not doubt that, severe as the trial is to those who survive, it is, in the mysterious ways of Providence, introduced in justice and mercy to the living and the dead." And in another letter to Ethelbert Taney he wrote: "Most thankful I am that the reading, reflection, studies, and experience of a long life have strengthened and confirmed my faith in the Catholic church, which has never ceased to teach her children how they should live and how they should die."

While such sentiments as these were expressed by the jurist in his private correspondence, and in conversation with his most intimate friends, he seldom discussed the subject of religion. With him it was a settled fact. "Never did he obtrude his religious doctrines upon any one," says Tyler, his biographer, who was his constant companion for years. "He often talked to me in incidental conversations on the general subject of religion; but the mantle of his charity was as broad as the sinning world."

The life work of Judge Taney as a jurist, as well as an attorney practicing at the bar, was conducted in accordance with the most exalted ideas of professional ethics. As a lawyer he was a peace-maker and a composer of strife, never failing to advise his client to avoid a law suit if possible. The two foremost business men in Frederick, who had been partners, after the dissolution of their business relations, had a very serious dispute in dividing the partnership property, and so bitter was the

contention between them that they began abusing each other in newspaper articles. Finally one of them employed Taney and the lawyer sent for the other party. So great was the confidence of both men in the integrity and judgment of Mr. Taney, that they mutually agreed to submit the whole controversy to him for adjustment. After he got them to agree on a statement of the facts, he delivered a written opinion, deciding the dispute in accordance with the strictest principles of equity, not forgetting to compliment both parties on their good sense in saving the expense and strife of a suit, and thanking them for their confidence in him. Both men accepted his opinion as final, and adjusted their differences so amicably that they again became friends.

The trial of General Wilkinson in 1813 affords us an illustration of the high sense of professional honor which characterized the practice of Judge Taney as a lawyer, and gives us a splendid example of the chivalry of legal ethics. Major General Wilkinson, commanding the United States army, was accused in a series of charges, including treason, before a military court convened at Frederick. He had long been suspected of being in league with Aaron Burr and his followers in the strange attempt that was made to found a new empire west of the Mississippi. And it was said even publicly that the General was in the pay of the King of Spain. He had been publicly denounced by men of the highest standing, and it was the common belief that he was guilty. So odious had his reputation become on account of these charges, that the lawyer who undertook to defend him did so at the imminent risk of his good standing in his community. He appealed to Mr. Taney and Mr. John H. Thomas, another eminent lawyer, to conduct his defense before the court martial. Although General

Wilkinson was prosecuted by able counsel, so complete was the defense made by his attorneys that he was acquitted. When Taney and Thomas undertook to defend him, they shared the common suspicion that he was guilty. But their duty and their oath required them to conduct his defense and see to it that the law was applied to his case regularly, and in all fairness, even if it appeared that he was guilty, because if one whom every one believes to be guilty should be deprived of counsel, even the innocent, who are sometimes wrongfully and even universally accused, might be tried, convicted, and punished, without any one to say a word in their behalf. In the progress of the trial, Mr. Taney and Mr. Thomas became fully convinced that General Wilkinson was a loyal citizen and an honorable officer, and on account of the fact that they had erroneously suspected him of being guilty, and entered into his defense as a matter of professional duty merely, and not as the champions of his good name, they refused to accept any fee for their services, and begged him to agree in their course, as it would gratify their feelings.

Judge Taney despised the idea of winning a case on technicalities. He relied solely on the merits of the controversy. A young attorney, a Mr. Ross, began the practice of law in Frederick in 1805. In what was perhaps the first case in which he was employed, he undertook to recover a tract of land for his client. Mr. Taney was retained on the other side of the case. When the case was called for trial, the young attorney announced that he was ready to proceed, but Mr. Taney leaned over and whispered to him that he had not correctly described the land in the papers that he had drawn, and would therefore fail whether he had the right side of the case or not. Mr. Ross never forgot this courtesy, and

afterwards when he became an eminent lawyer, he put to shame an attorney who was guilty of sharp practices, by telling the story of how the man who was then Chief Justice of the Supreme Court scorned to take advantage of technicalities.

The language employed by Judge Taney, whether as an advocate at the bar, in the heat of argument, or in the exercise of his judicial duties, was always the simplest, and yet classical in its clearness and force of expression. Even when he rose to the sublime heights of eloquence in his appeals to juries (for notwithstanding his unpropitous beginning, he became celebrated as an advocate), he never quoted poetry, nor borrowed the language of great orators.

Chief Justice Taney lived to see those who had been his enemies become his friends. When President Jackson nominated him for Chief Justice, and sent his name to the Senate both Henry Clay and Daniel Webster, the two most distinguished and talented men who ever served in that body, opposed the ratification by the Senate of Judge Taney's appointment. Webster's opposition was founded on the bank question, and he spoke against Taney as "the pliant instrument of the President, ready to do his bidding." Mr. Clay spoke against confirming the appointment, stating that it would be an endorsement by the Senate of the policy of President Jackson. Clay and Webster did not at that time fully know the character of Mr. Taney. They believed him to be simply a warm friend of Jackson, who was willing to lend himself to the plans of the President, regardless of whether he believed in the President's policy or not. Years afterwards Mr. Clay personally apologized to the Chief Justice for the uncomplimentary remarks that he made in discussing his appointment. And Mr. Webster when he was

Secretary of State, and afterwards, during the remainder of his splendid career as a Senator, often consulted the Chief Justice in the gravest matters, and they became warm friends instead of enemies.

Chief Justice Taney was domestic in all of his habits. He loved his home, and nothing was dearer to him than the visits of his friends, young and old. He never wearied of speaking of the associations of his boyhood and the friends that were dear to him in former days, nearly all of whom preceded him to the grave. He was especially fond of country life and scenery. His favorite recreation in his old age was visiting in and near Baltimore, enjoying the beautiful grounds of the old homes of his life-long friends. Among these was a Mr. Perrine, with whom he corresponded constantly during the last few years of his life. He was a lover of flowers. "I find the hyacinths in bloom in the Capitol grounds," he wrote Mrs. Taney, "and walked about them alone after court adjourned, to enjoy the marks of the opening spring."

In the decline of his life, Judge Taney expressed a wish to be buried by the side of his mother in the little Catholic cemetery at Frederick City. Among the last letters he ever wrote, he refers tenderly to the grave of his mother, and the fact that it seems to have been neglected.

"Washington, May 6th, 1864.

My Dear Sir:—I learned accidentally, some months ago, that some kind and pious hand had removed from the tomb of my beloved mother the moss and rubbish which fifty years had accumulated upon it, and restored it to the condition in which it was when placed there by her weeping children. Residing in a distant place, I could not myself guard it from desecration, nor even the ordi-

nary injuries of time; and you may readily imagine how grateful I felt to the unknown friend who had, unasked and without my knowledge, performed that duty for me. I have often inquired and tried to discover to whom I was indebted for an act so touching and pious, but without success, until a few days ago, when my excellent friend and former pastor, the Reverend Father McElroy, called to see me, and from him I learned for the first time that I owed it to you, to whom I had hitherto been an entire stranger. But you are not now, nor can you hereafter be, a stranger. I am most grateful for your kindness, and when the brief space of life in this world, which may yet be vouchsafed to me shall have passed, and I am laid by the side of my mother, I hope you will be near, and will feel assured that among my last thoughts will be the memory of your kindness.

With great respect and regard,

Your grateful friend,

R. B. Taney.

Mr. H. McAleer, Frederick City, Md."

The remark of the great Judge in this letter, that but a short space of time remained to him, was indeed prophetic, for on the 12th of October, 1864, he died, full of years and honors, strengthened in his last hour by the consciousness of having lived a correct life, and having discharged without fear or favor the great duties that his country called upon him to perform, and fortified with the consolation vouchsafed by that Church, in whose precepts he had walked during his long life. In accordance with his oft repeated wish, he was buried by the side of his mother.

CHAPTER IV.

JOHN BARRY.

Beginning of the Career of the Navy—Capture of the *Margaretta*—Bombardment of Portland—Our First War Vessels—Sailing of the Lexington—The First Capture—Serving Under Washington—Crossing the Delaware—The Sinking of the *Effingham*—The Chase of the Raleigh—The Prison Ships—In Command of the *Alliance*—A Battle in Mid-Ocean—The Last Battle of the Revolution—The New Navy—In Command of the First Ship—Commission No. 1—In Command of a Squadron—The War at Sea with the French—The Navy One Hundred Years Ago—Character of Captain Barry.

The career of the American navy began at the little town of Machias, in what is now the State of Maine, but was, in 1775, a part of the colony of Massachusetts.

When the minute men stood on the village common at Lexington on Sunday morning, April 19th, 1775, and refused to move when Major Pitcairn of the British army ordered them, with imprecations, to break their ranks and disperse to their homes, the revolution against Great Britain began. The heroic Captain Parker, whose statue now marks the spot, commanded his men to stand their ground. "If we must have war, let it begin right here," he shouted, but his voice was drowned in the volley that was fired by the line of British regulars. The day was not finished until the British were chased to the outskirts of Boston, and the farmers of the country side had fired "the shots heard 'round the world."

News traveled slowly in those days, and it lacked but a

day of being a fortnight before tidings of the battle reached as far as Machias.

Men gathered in groups in that little seaport town, and talked over the startling news and resolved to keep it a secret, for a British schooner was riding at anchor in the bay, and it was the purpose of the citizens of Machias to capture the schooner if possible. The vessel was the *Margaretta,* commanded by Captain Moore, and its mission to the harbor was to convoy two sloops that were being loaded with masts for the use of the British navy.

On Sunday morning, May 10th, the day after the news reached Machias, Captain Moore attended church on shore, and the citizens made an attempt to capture him while he was at church. The wily captain, suspecting something was wrong, made his escape through a window and got to his ship before the plan could be put into execution. Captain Moore then ordered several shots to be fired over the town to intimidate the people, and, taking up his anchor, dropped down the bay and again came to anchor under a high bank very near the shore. The angry people followed him and were about to open fire upon the deck of his vessel from a position so high that he could not train his guns upon them, and he was therefore obliged to weigh anchor again and drop farther down the bay.

The next morning Denis O'Brien, a young man who lived in the town, asked three of his friends to follow him and the four young men boarded one of the sloops which had not yet been loaded, and gave three cheers, with such energy that all the men in town assembled at the wharf. They then made a proposition to take up arms and pursue and capture the *Margaretta.* "We can do it," said Jeremiah O'Brien, the brother of Denis; "let

everyone who wishes to follow me arm himself and get ready.". The bolder spirits of the town immediately rushed for weapons, and in a few minutes a crew of thirty-five was selected, armed with axes, pitchforks, and a few muskets, among which latter was what was known as a "wall-piece"—a gun so large and heavy that it could not be fired successfully without resting it upon a wall.

The men on the sloop proceeded to elect a captain, in true American fashion by popular vote, and Jeremiah O'Brien was the unanimous choice.

Captain Moore, who became aware of these preparations, up anchor and stood out to sea. The breeze was fresh from the northwest and the sloop, now in possession of its enthusiastic crew, was started in pursuit. After clearing the bay, Captain Moore put up his helm, and stood due south, but his main sail was on the starboard side of his ship, and it became necessary to shift it to port in order to secure the best advantage from the strong northwest wind, but while jibing his main sail, the boom which had been brought around was let go on the run, and was broken short off against the bay stays. In this dilemma Captain Moore happened to espy a merchant schooner at anchor near the shore, and hove to long enough to take a boom from the schooner to replace the broken timber, and this gave time to the sloop to come almost within hailing distance of him.

For reasons that we shall never know, Captain Moore seemed to be anxious to avoid a conflict with the rebels. His schooner was superior to the sloop in every respect. It was armed with four six-pounders, and twenty swivel guns firing a one-pound ball, mounted on its rail, and so adjusted as to be instantly trained in any direction. His crew was of the regular force of the British navy, and

greatly outnumbered the Americans, and he was not wanting in bravery, for on that day he proved his devotion to his duty with his life.

The schooner, now in full sail, made for the open sea, and the sloop, with its rigging crowded with everything that would draw, gained rapidly on the *Margaretta.*

Captain Moore cut away his boats, and when this expedient failed to increase his speed so as to distance his pursuer, he opened fire on the sloop, which was now within short range. A man was killed on board the sloop, but a moment later the "wall-piece" was fired by some moose hunter of the Maine woods, and the man at the wheel of the *Margaretta* was put out of action. The schooner then broached to, and both vessels fell foul of each other. Instantly the terrible ax-men of Machias clambered over the bulwarks of the *Margaretta,* and Captain Moore, whose personal courage rose far above that of his crew, was cloven down at his post while throwing hand grenades at the attacking party. At sight of the dead captain, the crew immediately surrendered, and Jeremiah O'Brien was master of the *Margaretta.* 1.

So fierce was the combat that out of eighty men engaged on both sides, the killed and wounded numbered twenty. This first naval engagement of the revolution was called "the Lexington of the Sea," and from that day forth, in sea as well as land, the struggle for independence continued until the final victory.

The British naval authorities at Halifax, hearing of these things, sent two schooners to capture Jeremiah O'Brien and his followers, and if the expedition had been successful, it would have been the labor of love to send them to England, where they would have been tried and

1—History of Our Navy, J. R. Spears, p. 15–24 passim.

executed for piracy or high treason. But Captain O'Brien was not a novice in the art of managing a vessel, and so skillfully did he maneuver his sloop that he succeeded in separating the schooners at so great a distance from each other that he captured them one at a time before they could render assistance to each other and brought them successfully to Watertown, Massachusetts, where the Provincial Council was in session and delivered them to the Colonial authorities. The Council were so pleased with his success that they immediately commissioned him a captain in the marine service of Massachusetts. His three prizes were refitted and he was sent on a cruise to intercept vessels that were bringing supplies to the British Army in Boston.

Admiral Graves, who was commander-in-chief of the British naval forces on the American coast, was so enraged by this exploit of Captain O'Brien and his followers that he sent a squadron under the command of Lieutenant Mowat to bombard and destroy the towns on the coast of Maine. Falmouth, now Portland, and then as now a flourishing city, was burned by the British, after a fierce bombardment, October 16th, 1775, and its people were left homeless at a time when the terrible Maine winter was about to come down upon them. Among the homeless was a boy by the name of Edward Preble, afterwards a distinguished officer of the American Navy.

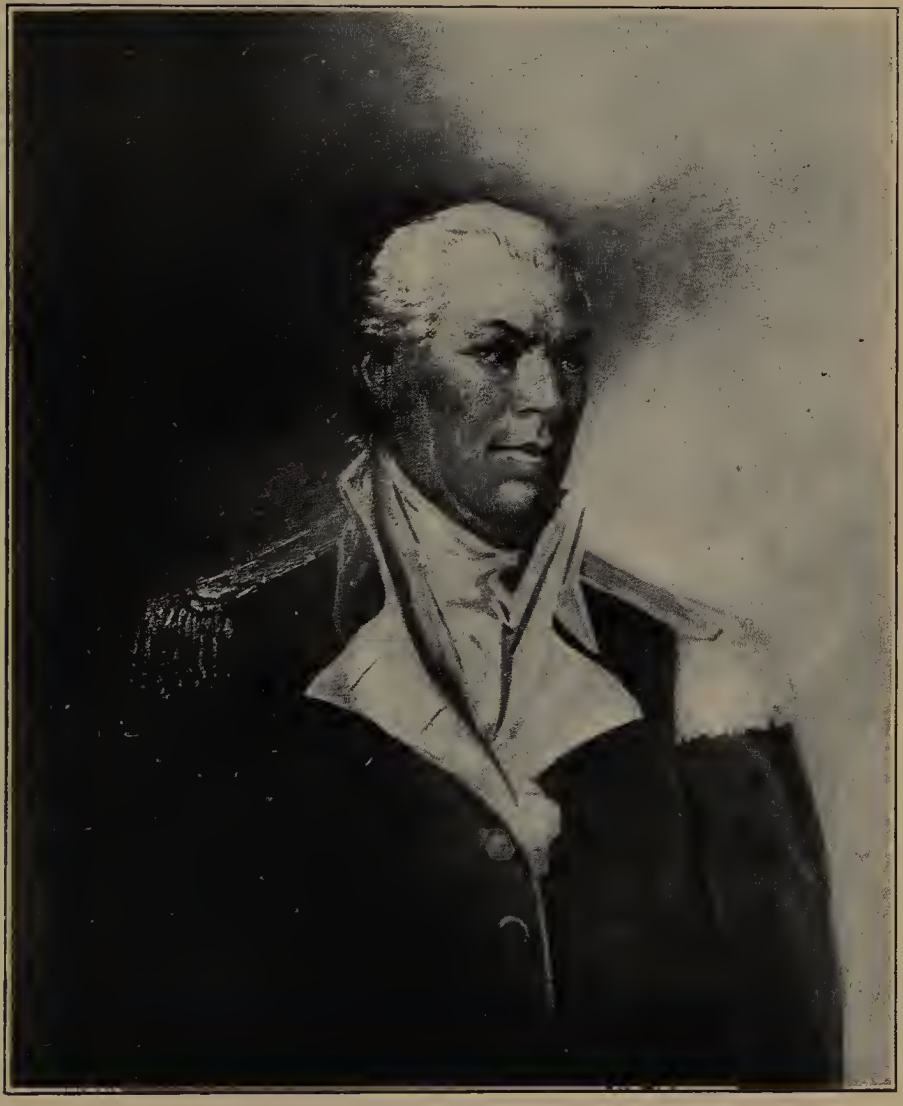
The burning of Falmouth was one of the facts which was used with great force as an argument for total separation from Great Britain when the question was before the Continental Congress. On October 31st, 1775, when Congress heard of the outrage, and at the same time learned that King George had hired 20,000 Hessians to be sent to America, orders were given to capture every British ship "to whomsoever belonging," and it

was decided that all goods carried in British ships should be confiscated. Up to this time all prizes captured that were not supplies for the British army were released, but Congress now resolved to regard all British goods as enemy's property. On December 13th, an act was passed ordering thirteen cruisers to be constructed, three of 24 guns, five of 28 guns, and five of 32 guns.

At that time the British navy, the most formidable in the world, consisted of 112 ships, carrying 3,714 guns, and of these ships 78, carrying 2,078 guns, were on duty on the American coast, or were under orders to proceed there. It would seem like madness for the American Congress to send a puny squadron of light vessels to do battle with this vast navy of England. We, of this day, can scarcely understand the spirit of the men of the revolution, whose undaunted fortitude and unwavering purpose were not for a moment shaken by the terrible odds against them.

There was no factory in America in which sail cloth could be made, and there was a scarcity of gun powder. To build large vessels of sufficient strength to contend with the 74-gun ships of Great Britain was impossible. The object, therefore, of these light vessels was not to engage the English ships of the line, but to attack the transport service of the British army and the lesser craft of the navy. They were good sailers and could easily escape from the large battle ships and might successfully contend with the small ones.

Esek. Hopkins was appointed "Commander-in-Chief of the Navy," an office since unknown, except as it is exercised *ex officio* by the President of the United States. He was the brother of the governor of Rhode Island, and was a man of great courage, but without much ex-



COMMODORE JOHN BARRY,
FATHER OF OUR NAVY.
From a photograph of the portrait by Stuart, in Independence Hall, Philadelphia.

perience as a naval commander, being more of a soldier than a sailor.

Commodore Hopkins was given secret orders by Congress to go in search of Lord Dunmore, who in command of a British fleet, was laying waste the shores of the Chesapeake Bay, and the American fleet was to assemble at Cape Henlopen and sail thence for the Chesapeake.

On December 7th, 1775, John Barry, the subject of this sketch, was commissioned a captain in the Continental Navy. It appears that he was the first naval officer to receive a commission from the Continental Congress. He was a native of Tacumshane, in the county of Wexford, Ireland. Little is known of his earl life. His father was, perhaps, a sea-faring man, and brought the boy up to the life of a sailor. His education seems not to have been neglected, for he wrote a good hand and his use of the English language was singularly correct. He gave early proof of his intelligence and character, for at the age of twenty-one he first came to Philadelphia as captain of the schooner *Barbadoes.* To be a sea captain at twenty-one in his time was a remarkable distinction, and even now would be considered extraordinary.

It seems that his services were satisfactory, for he continued to command the *Barbadoes* until 1771. Old records show that on May 20th, 1771, he made Philadelphia from St. Croix as master of the schooner *Patty and Polly.* For the next three years he commanded various merchant ships on service between Philadelphia and the West Indies and Canada.

In 1775 he was in command of the *Black Prince,* one of the snuggest and taughtest of the packets plying between Philadelphia and England. The young captain was proud of the *Bllack Prince* and considered his position as

captain of that vessel the choicest employment of any shipmaster in America. On October 13th, 1775, the Continental Congress, by resolution, directed the Navy Board, which consisted of Messrs. Deane, Langdon and Gadsden, to fit out two swift sailing vessels, one of 10 and the other of 14 guns, to cruise in the Atlantic for the purpose of capturing war material and supplies destined for the British army; and it is believed that the brig *Lexington* and the sloop *Providence* were the two vessels purchased and equipped by the Navy Board in accordance with this resolution. A few days later Congress decided to provide two more ships. On the very day of the first resolution Captain Barry came to anchor with the *Black Prince* in Philadelphia, from London. The Navy Board immediately bought the *Black Prince* and renamed her the *Alfred,* after Alfred the Great, who was the founder of the British Navy, and she became the flagship of the first squadron in the Continental Navy.

Captain Barry, therefore, as he said, "gave up the command of the finest ship and resigned the first employment in America."

The first two ships were soon made ready and Captain Barry was placed in command of the *Lexington,* 14 guns, which had been named in honor of the first battle of the revolution. Other ships, including the *Columbus,* the *Andrea Doria,* and the *Cabot,* were added to the little squadron, and on December 22d, 1775, the Navy was formally organized, and the commander-in-chief appointed.

Now, there was a controversy as to whether or not Captain Barry with the *Lexington* sailed before the squadron under Commodore Hopkins got out to sea in search of Lord Dunmore. We have it on the authority of J. Fenimore Cooper, the novelist, who wrote a

history of the Navy as early as 1847, and who probably had talked with men who remembered the facts, that the *Lexington* preceded the squadron. He says: "The first regular cruisers that ever got to sea under the new government were the *Hornet,* 10 and *Wasp,* 8, a sloop and a schooner that had been equipped at Baltimore by the Marine Committee, and which sailed in November to join the squadron under Commodore Hopkins in the Delaware. This passage, however, cannot properly be called a cruise. For the first of these we must probably refer to the *Lexington,* 14, a brig, the command of which had been given to John Barry, a ship-master of Philadelphia, of credit and skill. By other statements, the squadron under the orders of Commodore Hopkins got out before the *Lexington;* but we are disposed to believe that this is an error; not only because the sailing of the *Lexington* appears to be asserted on the most probable authority, but because it is more reasonable to believe, that as between vessels fitted in the same place, and near the same time, a single cruiser could precede a squadron. It would seem that the *Lexington* was purchased earlier than the *Alfred,* and, in the nature of things, was more readily equipped. The honor has long been claimed for Captain Barry, and, on close examination of the facts, as our means will allow, we believe it to be his due. The *Lexington* must have left the Capes of the Delaware late in January, or early in February, 1776, with orders to cruise to the southward." 1

When the fleet of Commodore Hopkins was made ready at Philadelphia, the ceremony of putting the ships in commission was duly performed. The date is lost, but it is said to have been a beautiful winter day. When

1—History of the Navy of the United States of America. J. Fenimore Cooper, Philadelphfa, 1847, p. 44.

the Commodore went on board his flag-ship, the *Alfred,* followed by his officers, and when all was ready, at a signal from the Commodore, John Paul Jones, who was then a lieutenant, a pennyless Scotchman with little or no education, but who will live in the annals of our navy as one of the most formidable sea fighters in the history of the world, grasped the halliards and ran up the first American naval ensign, a yellow silk flag bearing the picture of a pine tree with a coiled rattlesnake at its roots and blazoned with the defiant legend, "Don't tread on me." The flag as we know it has not yet been adopted.

The new flag of the colonies which Washington had hoisted at Cambridge on January 1st, 1776, with thirteen stripes, alternate red and white, with the British Jack on the field instead of the stars, was run up at the mizzen of the *Lexington* before she left Philadelphia, and it is quite probable that while the ceremony of putting the new navy in commission was taking place in Philadelphia, the *Lexington,* carrying the new flag of Washington, was tossing on the winter sea, the first armed defender of the rights of America sent forth by the Continental Congress. Captain Barry was the first man appointed to the command of a cruiser by the Congress and had the distinction of being the first captain to receive a commission, and, as if fate had decreed that this pioneer of our naval force was to be first in many things, he made the first capture accomplished by the Continental Navy.

On April 7th, 1776, he fell in with the *Edward,* an armed tender of the British man-'o-war *Liverpool.* The *Edward* had but eight guns, but had an experienced crew and was commanded by Lieutenant Boucher, who fought his ship with great skill and courage for nearly two hours, when he was obliged to strike his colors, and

for the first time a foreign ensign was lowered to the American flag. 1

Four days later, Captain Barry beat up the Delaware, brought his prize to Philadelphia and made his report to the Marine Committee of Congress, as follows:

"In sight of the Capes of Virginia, April 7th, 1776.
Gentlemen:

I have the pleasure to acquaint you that at 1 P. M. this day I fell in with the sloop *Edward,* belonging to the *Liverpool* frigate. She engaged us near two glasses. They killed two of our men and wounded two more. We shattered her in a terrible manner, as you may see. We killed and wounded several of her crew. I shall give you a particular account of the powder and arms taken out of her, as well as my proceedings in general. I have the happiness to acquaint you that all our people behaved with much courage.

I am, gentlemen, your humble servant,

JOHN BARRY.

To Hon. John Hancock, Esq. (or any of the Marine Committee)." 2.

John Adams, who never failed to record important events, made a note of this first capture:

"We begin to make some little figure here in the navy way. Captain Barry fitted out here a few days ago a 14-gun brig and put to sea, passing by the *Roebuck* man-of-war in the Delaware River. After he got without the capes he fell in with a tender belonging to the *Liverpool* man-of-war and took her after an engagement of two glasses. She had eight carriage guns and a number of swivens." 3.

1—Preble's Origin of the Flag. 2nd. Edition, p. 243.
2—Pennsylvania Gazette, April 17th, 1776.
3—Athenaeum Magazine, May, 1826.

From the remark of Mr. Adams, that Captain Barry had fitted out the brig a few days before it is argued that the *Lexington* did not leave Philadelphia until after the squadron under Commodore Hopkins had sailed, but this reference is probably to the fact that Captain Barry had returned to Philadelphia to refit after he first put to sea with the *Lexington.* It is certain that he left Philadelphia on his first cruise earlier than a few days before the capture of the *Edward.*

Other members of Congress expressed their delight at the success of the first battle. Richard Henry Lee wrote:

"Captain Barry, in an armed brig hence, has taken, off the capes of Virginia, and sent in here a cutter with eight carriage guns begonging to the *Liverpool,* with one of that ship's lieutenants commanding her. He fought his tender well, not submitting until he was near sinking." 1.

The sea-faring New Englanders were proud of their capacity as sailors and were the first to attack the navy of Great Britain. Captain Manley of Massachusetts had captured many prizes and had compelled the lowering of the British flag before Barry had sailed. He took the *Nancy,* the *Jenny,* and the *Hannah,* which were bringing supplies to the British troops in Boston in the latter part of 1775, but up to that time there was none but the pine tree flag that Jones hoisted on the *Alfred,* and, therefore, it is conclusive that Captain Barry was the first to make a capture under the flag of Washington.

Robert Morris, the financier of the revolution, a wealthy ship owner, was vice-president of the marine committee, and seems to have been in charge of its affairs at that time. He directed Captain Barry to go down

1—Lee Papers, New York Historical Society.

the Delaware and take, sink, or destroy any of the enemy's ships that he might be able to overcome, and to defend the narrows at Fort Island to the utmost extremity. It seems that he was placed in command of other craft, for on May 9th he wrote to Mr. Morris for the *Lexington*. A couple of weeks later the *Lexington* was sent down to the captain, and in company with Captain Alexander, he went in search of the *Liverpool*. The commander of the *Liverpool* thought it prudent to put to sea and the Americans were unable to find him.

One of the great difficulties of the Congress was providing the army with powder and for this indispensible commodity the Continentals depended during the first part of the war on captures made by the navy. The British government kept great quantities of military stores in the West Indies, and the first expedition of Commodore Hopkins was to the Bahama Islands to capture war material. He made a descent on New Providence, where he captured one hundred cannon, and a large quantity of stores. The governor of New Providence, anticipating an attack, had sent away 150 barrels of powder, which to the great chagrin of the Americans was not captured, but the ships of the first squadron came home laden deep in the water with munitions for the army and navy which were unloaded at New London.

June 29th, 1776, the brig *Nancy,* Captain Montgomery, which had been captured from the British, appeared off Cape May from St. Croix and St. Thomas, loaded with a precious cargo of 386 barrels of powder and other stores to be delivered to Congress at Philadelphia. Captain Montgomery was startled at the sudden appearance of a British man-of-war, which began to maneuver so as to capture him. He could not fight with such a cargo.

In this critical situation, Captain Barry, with the *Lexington* and the *Reprisal,* under Captain Wickes, hove in sight, and they maneuvered so skillfully that the *Nancy* was run ashore where the British vessel could not fire upon her and the powder was saved and finally delivered to Congress.

There is no exact record of the number of prizes taken by Captain Barry at this period, but that he frequently sent into Philadelphia valuable ships and often more valuable cargoes is certain. The mouth of the Delaware was carefully watched by the enemy to capture or destroy ships from France with munitions of war consigned to Congress, and the captain was busy during the summer of 1776 aiding these vessels to run the blockade.

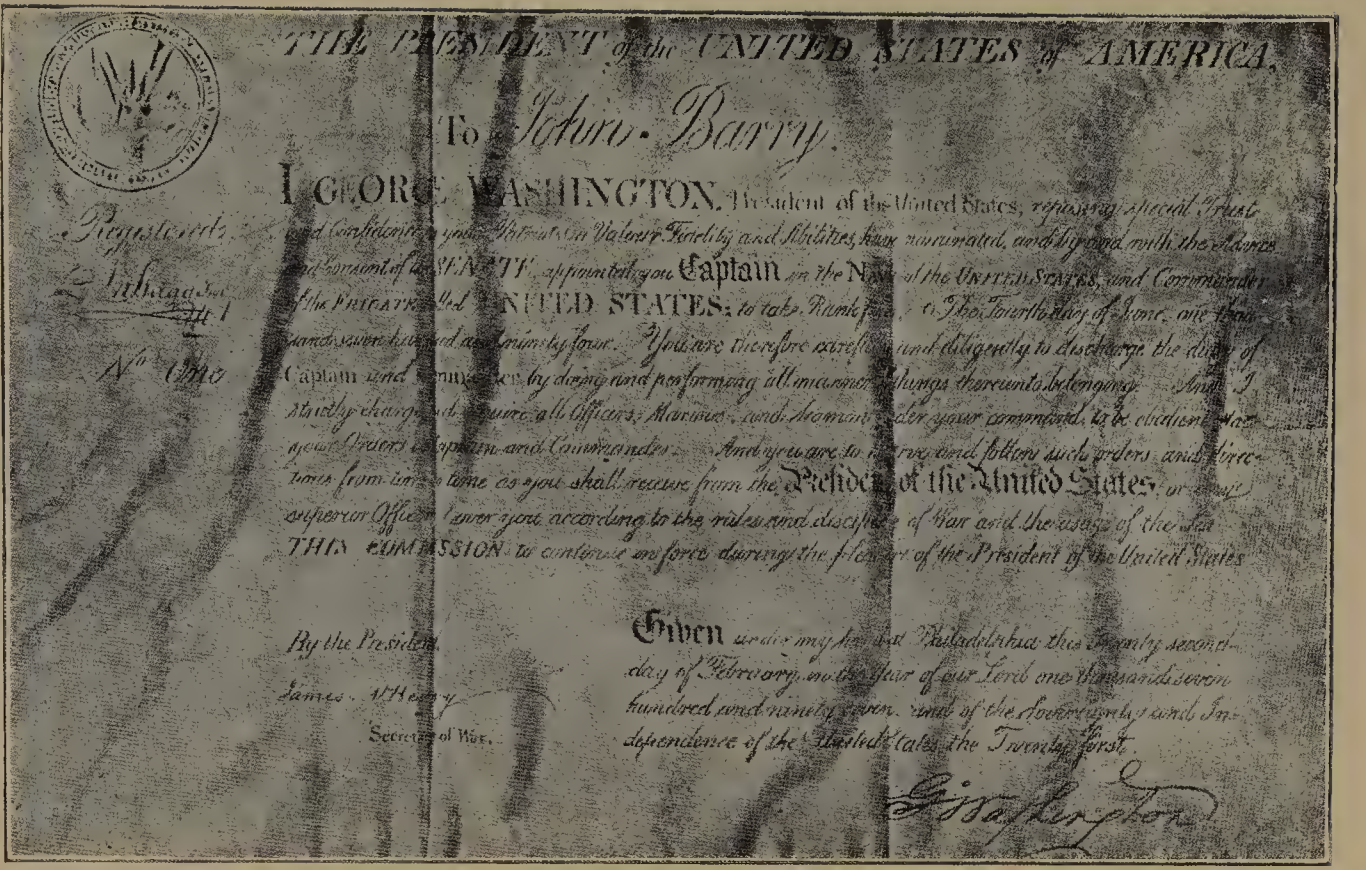
Caesar Rodney of Delaware, a signer of the Declaration of Independence, wrote August 3rd:

"Yesterday came to town a ship belonging to the Congress from France with 10 drums of powder, about 40 drums of lead and 1,000 stand of arms, etc., and the same day an armed vessel taken by Captain Barry at sea." 1.

This vessel was a six gun brig, commanded by an American tory, and its capture afforded the Congress great satisfaction.

By an act of October 10th, 1777, Congress established the rank of naval officers and, strange to say, Barry, who was first commissioned was the seventh captain in the list. This, however, was no proof of his relative merit nor the comparative value of his services, for Paul Jones, to whose activity and success Congress was indebted for a large share of the supplies captured for the army, was named as the eighteenth captain of the twenty-four who were appointed.

1—Force's Archives, 1-5, p. 741.



THE PRESIDENT of the UNITED STATES of AMERICA.

To John Barry.

GEORGE WASHINGTON, President of the United States, reposing special Trust and Confidence in your Patriotism, Valour, Fidelity and Abilities, have nominated, and by and with the Advice and Consent of the SENATE, appointed you Captain in the Navy of the UNITED STATES, and Commander of the FRIGATE called UNITED STATES: to take Rank as such from the Fourteenth day of June, one thousand seven hundred and ninety four. You are therefore carefully and diligently to discharge the duty of Captain and Commander by doing and performing all manner of things thereunto belonging. And I do strictly charge and require all Officers, Marines, and Seamen under your command, to be obedient to your Orders as Captain and Commander. And you are to observe and follow such orders and directions from time to time as you shall receive from the President of the United States, or other superior Officer set over you, according to the rules and discipline of War and the usages of the Sea. THIS COMMISSION to continue in force during the pleasure of the President of the United States.

Given under my hand at Philadelphia this Twenty second day of February, in the Year of our Lord one thousand seven hundred and ninety seven, and of the Sovereignty and Independence of the United States the Twenty first.

By the President.

James McHenry
Secretary of War.

Registered
Liber A. Fol. 1
No One

JOHN BARRY'S COMMISSION AS THE FIRST CAPTAIN IN THE UNITED STATES NAVY
From the original at the Naval Academy, Annapolis

Captain Barry was transferred from the *Lexington* to the *Effingham* of 28 guns. The *Lexington* was given to Captain Johnston and sent to France and after making a dangerous cruise around Ireland, as one of the squadron under Captain Wickes, on again leaving France, she fell in with the man-of-war cutter *Alert,* and the weather being extremely rough and the fire ineffectual, the American expended her ammunition and was captured after fighting gallantly for three hours.

Captain Barry was one of the few naval officers who took part in land operations in the Revolutionary War. The retreat of Washington across New Jersey is familiar history to every American school boy. At first thought we imagine a retreat simply to be a retrograde movement of an army, requiring no skill and shorn of every element of the glory that attends a battle; but it requires as much skill, or more, to retreat in the presence of an enemy than to advance or to command in battle.

The successful retreat of the Americans from New York to Trenton, pursued by a superior force, and their crossing the Delaware river in safety, are the masterpieces of the strategy of the Revolutionary War.

The severe winter of 1776-7 had come, and Washington's shivering army having escaped the British, was encamped on the west bank of the Delaware.

The British, under Cornwallis, occupied Trenton, and were waiting for the Delaware to freeze so that they might march across on the ice and capture or rout the Continentals. Then it was that Washington conceived the bold design of recrossing the Delaware and surprising the enemy. Captain Barry being without a ship, raised a company of volunteers and joined the Continental army.

Washington chose Christmas night to make the at-

tack when he knew that the Hessians were indulging in Christmas festivities, and the chances were that their officers might be under the influence of liquor. It is certain that Captain Barry, with his volunteers, took part in the exploit, and were present at the battle of Trenton, where a thousand Hessians were surprised and captured in the early morning hours of the 26th of December 1776, and that they took part in the battle of Princeton, a week later. From the Pennsylvania archives, it appears that Barry fought under Captain William Brown at Princeton, and remained with the army until January 23rd, 1777.

Frederick the Great considered the strategy and movements of Washington's army during the six weeks preceding the New Year of 1777, as among the most brilliant in military history. The crossing of the Delaware in the midst of a snow storm, when the east bank was occupied by the enemy, in the darkness when the river was filled with floating ice, and the successful surprise of the Hessians, will remain forever as an inspiration to deeds of American heroism. The reports of the exploit are meager, but it appears that Captain Barry took part in the crossing and his services must have been very valuable on that occasion, he being an expert in the management of boats. His company was in the service of the state of Pennsylvania and not in the regular Continental Army, for it appears that Mr. Moses Young of the Pennsylvania War Board "was directed to pay Jane Howe 6£ 19s 9d for the use of the volunteers in Captain Barry's company when going to camp in December last, to be charged to Congress." 1.

After the battle of Princeton, Washington's army went into winter quarters at Morristown.

1—Pennsylvania Archives, Second Series, Vol. 1, p. 20.

The Americans had little or nothing with which to feed the Hessian prisoners, and were almost destitute of medicines to treat the wounded British soldiers captured at Trenton. Lord Cornwallis requested the privilege of sending supplies to the prisoners as well as medical aid to the wounded, and this request was readily granted by the humane American commander. Captain Barry was sent with Washington's answer to Lord Cornwallis, and conducted the Hessians that were sent with the surgeon and medicines safely to the British camp. The letter carriel by the captain on this special service is preserved.

"Morristown, 8th January, 1777.

To Lieutenant-General Earl Cornwallis.

My Lord: Your Lordship's favor of yesterday was delivered to me by the officer who met your flag of truce. You may be assured that no molestation will be offered to the convoy of money and stores which General De Heister means to send to the Hessians, taken at Trenton, or to the surgeon with medicines for the wounded at Princeton, by any part of the regular army under my command. But I cannot answer for the malitia who are resorting to arms in most parts of this state, and are exceedingly exasperated at the treatment they have met with from both Hessians and British troops. I, therefore, thought it most desirable to direct Captain Barry, the bearer of this, to give a safe conduct to the Hessian baggage as far as Philadelphia and the surgeons and medicines to Princeton. I have no objection to the Hessian sergeant and twelve men attending their baggage till it is delivered to their countrymen; but cannot con-

sent to their carrying their arms, as I think none but bad consequences can ensue from such a measure.

I am, with due respect, my Lord,

Your Lordship's most obedient servant,

GEORGE WASHINGTON." 1.

The next ship assigned to Captain Barry, the *Effingham*, 28 guns, was named in honor of Lord Effingham, who had resigned his commission in the British army, rather than fight against the colonists in their struggle for independence.

In the autumn of 1777, the British army under Lord Howe, captured Philadelphia and the *Effingham,* with many other ships, being in the upper Delaware, and off White Hill, New Jersey, was prevented by the enemy from getting out to sea and being useful.

Captain Barry was ordered to sink the *Effingham* at some convenient place off White Hill where he might find a soft mud bottom that would not injure her keel.

"Bordentown, November 2, 1777.

To John Barry, Esq.,

Commander on Board the frigate Effingham.

Sir:

As we understand your ship is now scuttled and ready for sinking, you are hereby directed to remove her a little below White Hill, and having found a suitable berth where she may lie on a soft bottom and be easily got off at a common tide; you are to sink her there without delay.

We expect this business will be completed by sunset this evening and report thereof made to this Board.

FRANCIS HOPKINSON,

JOHN WHARTON,

Continental Navy Board."

1—Writings of Washington, p. 158.

Captain Barry had been waiting to mount the guns of the *Effingham* and run the blockade, or at least to come down the Delaware and engage the enemy. Great was his wrath when he received the order to sink the ship. "If she is to be sunk," he said, "let it be after she has done all the damage to the enemy that is possible." His delay in executing this order led to an altercation between him and Francis Hopkinson of the Marine Committee. The language used on this occasion by the burly sea captain was of such a nature that Mr. Hopkinson complained to Congress that Barry was insubordinate and had treated Congress, in the person of the Navy Board, with great disrespect. Finally, on November 30th, four weeks after receiving the order, Captain Barry reluctantly sank the *Effingham* off White Hill.

In December he was cited to appear before Congress and answer the complaints made against him by Mr. Hopkinson. He drew up a comprehensive answer to all the charges, in which he stated that the language used by the members of the Navy Board was so uncomplimentary that he owed it to his self respect to resent it, and concluded his defense in these words:

"I would just suggest to your honors whether the good of the service does not require the captains of the Navy to be treated with complaisance as gentlemen, so long as they observe their duty. For my part I should think myself unworthy of the commission the honorable Congress has been pleased to give me, could I tamely put up with different treatment." 1.

A reply was filed by Mr. Hopkinson, and a motion was made in Congress "that Captain Barry be not em-

1—Sketch of Barry by Martin I. J. Griffin. Annual Report American Hist. Society, 1897.

ployed on the expedition assigned to his conduct by the Marine Committee with the approbation Congress." The Continental Congress voted by states, and on this motion the states represented and present were equally divided and the motion was, therefore, lost, and no further action was taken.

Captain Barry was deeply affected by his difficulty with the Navy Board, especially with Mr. Hopkinson, but was consoled by the fact that his trouble grew mainly out of the fact that he was required to sink his ship instead of being permitted to attack the enemy.

The army had been defeated at Brandywine, and had been unsuccessful at Germantown, and the soldiers were shivering in the huts of Valley Forge, while the British were in possession of Philadelphia. A number of British vessels, laden with supplies, were riding at anchor off Port Penn, in the lower Delaware, and the enemy's ships below Philadelphia had unloaded great quantities of forage for the use of the army.

Captain Barry, with four row boats, dropped down the river one night in February, 1778, and a few days later reported to Washington, who was at Valley Forge, that he had destroyed 400 tons of supplies belonging to the enemy and would have destroyed all of the enemy's supplies on the both shores, "had not a number of the enemy's boats appeared in sight and lining the Jersey shore, deprived him of the opportunity of proceeding farther on the same purpose." Off Port Penn, a British schooner of 10 guns and four transports laden heavily with supplies for the enemy were anchored in the Delaware. With 27 men in row boats, Captain Barry drew silently up to the schooner in the darkness and suddenly springing on board, cutless in hand, soon cleared the deck, shut down the hatches, and made prisoners of the entire

crew. He took possession of the transports, but two British cruisers coming in sight shortly afterwards he was obliged to ground the schooner and destroy the transports. He brought off the prisoners and all that he could carry of the cargo. He did not forget to send Washington "a cheese together with a jar of pickled oysters," which delicacies certainly must have been appreciated in the scarcity that prevailed at Valley Forge. The Commander-in-Chief was delighted with this exploit. March 12th he wrote an account of it to Congress (1), and on the same day wrote this complimentory letter to the Captain:

"Sir:

I have received your favor of the 9th inst., and congratulate you on the success which has crowned your gallantry in the late attack upon the enemy's ships. Although circumstances have prevented you from reaping the full benefit of your conquests, yet there is ample consolation in the degree of glory which you have acquired. You will be pleased to accept my thanks for the good things which you were so polite as to send me, with my wishes that a suitable recompense may always attend your bravery." 2.

This attack upon a war vessel with row boats and its successful issue is referred to by Frost, the biographer of the navy, as one of the most brilliant achievements of the revolution, and "for boldness of design and dexterity of execution was not surpassed, if equaled, during the war."

Shortly afterwards the *Effingham* was raised from the bottom of the Delaware, and was about to be refitted when a battalion of British infantry under Major

1—Letters of Washington, Vol. 1, p. 197.
2—Spark's Writings of Washington, Vol. 5, p. 271.

Maitland, and a fleet of armed schooners under Captain Henry, burned the *Effingham,* which had been raised, and the *Washington* 32, neither of which had ever received their armaments.

There was no defense on the part of the Americans for there was no force to protect those ships. This was the very contingency that Captain Barry wished to guard against when he hesitated to sink the *Effingham.*

The quarrel between Captain Barry and Mr. Hopkinson was adjusted by requiring Captain Barry "to make such full acknowledgment as shall be satisfactory to the Navy Board," and although the record is silent, it is quite probable that the captain and the Marine Committee speedily adjusted all their difficulties and became on the best of terms, for it appears that Captain Barry was soon afterwards placed in command of the *Raleigh* 32, to take the place of Captain Thompson, who had been relieved of the command. On September 25th, 1778, he sailed from Boston in the *Raleigh,* with two merchant ships under convoy. At noon, two sails appeared off the port bow of the *Raleigh* at a distance of about fifteen miles. The wind was fresh at northwest, and the course of the American frigate was northeast. Captain Barry immediately signaled the convoy to haul close by the wind while he ran down with the *Raleigh* to reconnoiter. He had not proceeded far when he discovered that the strangers were crowding all sail in chase. He then put up his helm and drawing closer to the convoy ordered them to put back to port, and cleared the deck of the *Raleigh* for action. Dusk came on and the ships, which he was now satisfied, were armed British vessels, were lost to view, and the *Raleigh* continued her course during the night. At dawn, a heavy mist lay on the ocean and no sail

could be seen, but as a precaution against being discovered, Captain Barry ordered the *Raleigh* to be stripped of her sails, and she was allowed to drift with bare poles. At 9 o'clock no sail being visible, the canvas of the *Raleigh* was spread and again she stood southeast. Shortly afterwards the enemy appeared hull down on the southern board. Captain Barry then ordered the *Raleigh* to be put about and she squared away with the wind under a cloud of canvas, making 11 knots, 2 fathoms on a dragged bowline, far outsailing the enemy, who now hauled close by the wind and were in full chase. But the winds of the ocean are capricious, and it often happens that the breeze may be fresh at one place, and a few miles away there may be a dead calm. Fortune did not favor the *Raleigh,* for about noon, as the sailors would say, "she was out of the streak of the wind," while the sails of the enemy, who were coming on a parallel course, were filled. The foremost of the English ships gained rapidly on the *Raleigh,* and about 4 o'clock Captain Barry tacked to obtain a view of the sides of his pursuers in order to ascertain their force, and discovered them to be a frigate of not less than 28, and a ship-of-the-line pierced for 50 guns.

About this time the watch on the tops of the *Raleigh* shouted, "land ho!" and looking ahead, several low rocky islands appeared under the bow of the American vessel. No tack could be made to escape the enemy and avoid the islands, and Captain Barry, therefore, prepared to engage. The leading vessel of the enemy opened fire at long range, and having nearly closed, the *Raleigh* edged away and crossed the bow of the enemy and while passing delivered a broadside into the English ship, and the action became steady and general. The Englishman's plan of battle was to disable the rig-

ging of the American, and prevent her escaping the heavier vessel, which was rapidly approaching. The second broad-side carried away the fore-topmast, and the mizzen-top of the *Raleigh,* and this gave the enemy, which was in full sail, the advantage of maneuvering at will, while the movements of the *Raleigh* were slow and uncertain. The vessels lay side by side, and the terrific fire of the *Raleigh,* directed mainly at the water line of the enemy, began to tell on the Englishman, who thought it prudent to forge ahead.

During the short interval while the British ship wore around, the Americans improved the time by clearing away the fallen masts from the deck of the *Raleigh.* The crippled rigging of the American ship gave the Englishman an immense superiority in sailing, and he immediately maneuvered so as to cross the bow of the American in order to deliver a raking fire. Captain Barry, of course, took prompt measures to avoid being raked, and the result was that he drew alongside the British ship again and gave the signal to board the Englishman. The enemy, however, observing his preparations, gained steerage-way and separated the distance between the ships, Barry being unable to follow promptly on account of the loss of his masts. By this time the larger of the two British ships came so close that it became apparent to Captain Barry and his officers that escape was impossible, so he resolved to run the *Raleigh* ashore, the land being only a few miles away. The *Raleigh* accordingly wore around and stood for the shore, pursued by both British vessels, while continuing her fire with great spirit and effect from her stern guns. When the *Raleigh* approached very near to the land the British ships being in danger of running aground, hauled off, and darkness coming on, the *Raleigh* seemed to be

left alone. For seven hours she had maintained an action with a superior ship, the *Unicorn,* of 28 guns, for this was the one with which she had been engaged. There is no question but the issue of the battle would have terminated in the interest of America were it not for the presence of the other British vessel, the man-of-war *Experiment,* of 50 guns.

Captain Barry had observed that the coast of the island was bold and rocky and afforded natural defenses where he might land his crew and defy the British to capture him. When darkness set in he resolved to steer the *Raleigh* in a dangerous course among the islands where at least the larger of the British ships could not follow, and where he might be left to deal single-handed with the smaller one should she take the risk of pursuing him.

The sailors were nimbly bending new sails for the purpose of getting under way when the *Unicorn* and *Experiment* came in sight, closing fast. Both ships opened a heavy fire and Captain Barry decided to beach the *Raleigh* at once. The breeze was light, but she grounded on a rocky island at a safe distance from both vessels of the enemy. A part of the crew, together with the captain, had landed when the *Unicorn* approached closer and again opened fire. In the absence of Captain Barry a treacherous petty officer surrendered the *Raleigh* to the enemy. She was afterwards floated and taken into the British navy. Captain Barry discovered the island to be what was known as "Wooden Ball," about twenty miles off the Maine coast and opposite the mouth of the Penobscot. Gaining the main land the captain and crew found themselves alone in the forest and after suffering incredible hardships reached the settlements. Captain Barry was never criticised for his

action with the *Unicorn* and *Experiment* or for running the *Raleigh* ashore.

His course was much wiser than it would have been to continue an engagement with a vastly superior enemy that could have no other result than the capture or destruction of his ship and the imprisonment of his crew. The men of the American navy wisely chose to make any sacrifice rather than to fall into the hands of the British.

American naval prisoners were committed to the prison ships in Wallabout Bay, near what is now the Brooklyn Navy Yard. The receiving ship of these prisoners was the dismantled man-o'-war *Jersey*. She was surrounded by four other sailorless ships that "lay rotting by the sea," and into these horrible floating dungeons the sailors of the revolution were committed.

By an act of Parliament which was publicly debated and deliberately passed, American naval prisoners were required to be fed with an allowance of bread, one-half pound less per day than was allowed to other prisoners captured by the British Navy. 1.

The *Jersey* leaked constantly and the storms of winter and the summer rains fell down through her rotting deck on the un-blanketed sick below. David Sproats, selected perhaps for his singular inhumanity, was the keeper of the prison ships, and it is said that he boasted that he had "killed more Rebels than all the King's armies had done." As a refinement of cruelty a regiment of American renegade tories, the only one in the British army, was encamped on shore and well fed, and the prisoners were given to understand that if they deserted the American cause and enlisted in this regiment

1—History of Our Navy, J. R. Spears, Vol. 1, p. 222.

they would be accorded all the rights and privileges of British soldiers. 1.

Not a man sacrificed his honor to accept these conditions, but day after day when the sun rose they responded to the call, "Rebels, turn out your dead!"; and the victims of ship fever who died by the score over night were dropped into boats, carried to the shore and buried in the sands of Long Island.

There is no space in this sketch to describe the stony-hearted barbarity with which the Continental sailors were treated in those floating tombs in Wallabout Bay. It forms a chapter of horrors not to be written or read except to prove at what price the men of the Revolution purchased the liberty of our country.

During the Revolutionary War, several states fitted out armed vessels, as well as militia regiments, to co-operate with the Continental forces. There were no difficulties between the state troops and the regular Continental soldiers in any of their relations with each other, but it was not so harmonious in the navy.

After the loss of the *Raleigh,* when Captain Barry returned to Philadelphia, he found himself without a ship, and entered the service of the State of Pennsylvania, taking command of the letter of marque brig, *Delaware,* of 12 guns. With a crew of 60 men, Captain Barry made two cruises to Port au Prince with the *Delaware.* On the second of these cruises, the captain's clerk was John Kessler, who remained with him for several years afterwards, and who wrote accounts of his exploits and battles. Mr. Martin I. J. Griffin made these accounts public for the first time in his excellent sketch of Captain Barry in the annual report of the American Historical Association for 1895. Captain Barry sailed from Phil-

1—History of our Navy, J. R. Spears, Vol. 1, p. 224.

adelphia with the *Delaware,* in company with three other brigs and one schooner for Port au Prince, in the fall of 1779, in the service of the State of Pennsylvania. He was scarcely out of the Delaware when he met with adventures. John Kessler says:

"When abreast of Cape Henlopen a sail was discovered. Chase was made, and on coming up we found it to be a British sloop of war called the *Harlem,* which was taken, with about 90 men, without resistance. The officers, during the chase (after heaving over all her guns), made their escape in the boats. The vessels were sent to Philadelphia, but her crew was landed near Chinesteague and delivered to a military party. On the remainder of the passage nothing worthy of notice occurred. On the passage home a merchant vessel of Liverpool was taken, which was, however, retaken by the noted Guttridge and carried into Bermuda." 1.

Nearly all the difficulties between the Continental and State naval forces arose from the practice of the Continental captains of impressing seamen from the state ships and compelling them to serve in the Continental vessels. This was resented by the officers and the crews of the state ships and led to many encounters of a spirited nature, none of which, however, resulted in blood-shed. Captain Barry was strongly opposed to impressment, and promised his men that they should not be taken from his ship to serve elsewhere, either by the Continental forces or any other if he could prevent it. John Kessler speaks of an incident that occurred when the *Delaware* was returning to Philadelphia, which illustrates the disposition of Captain Barry to protect his men.

The Continental frigate, *Confederacy,* was impressing

1—p. 354.

men from state ships that were coming into Philadelphia. She hailed the *Delaware*, and after Captain Barry hove to, a boat from the *Confederacy* came alongside the *Delaware* and a press gang attempted to get on board. Captain Barry threatened them with instant death if they did not desist, and ordered them back to their ship. The *Confederacy* then began firing across the bow of the *Delaware,* "when Captain Barry ordered the guns to be cleaned, and declared that if but a rope yarn was injured by their firing he would give them a whole broadside." The third gun being fired from the frigate, Captain Barry hailed and asked the name of her commander. The answer was, "Lieutenant Gregory." "Captain Barry immediately thereon addressed him thus: Lieutenant Gregory, I advise you to desist from firing. This is the brig *Delaware,* belonging to Philadelphia, and my name is John Barry."

"Nothing further was said or done by Lieutenant Gregory. It was said that Mr. Gregory had once been under the command of Captain Barry and could not but know he would not be trifled with. Thus our whole crew arrived at Philadelphia. But the other vessels of our fleet were obliged to anchor because of the pressing of those who did not get on shore, and they were obliged to remain until assistance was sent them from Philadelphia." 1.

In 1778, when, through the efforts of Dr. Franklin, the alliance with France was consummated, a ship was building at Salisbury, Massachusetts. She was launched late in that year and was named the *Alliance* in honor of the aid that was rendered to the colonists by France. As a further compliment to our great ally, Captain Pierre Landais, who had formerly served in the French

1—p. 355.

navy was placed in command of her. She was purchased by the King of France with the expectation of adding her to the fleet in command of Paul Jones.

The Marquis de La Fayette intended to return to France about this time, and it was decided that he would sail in the *Alliance* with Captain Landais. There was great difficulty in securing a crew in Boston, from which port the *Alliance* was to convey the Marquis, and La-Fayette would not consent to impressing men into the service against their will. Finally some British prisoners were offered their liberty if they would serve on the *Alliance* in her passage to France.

This dangerous and unprecedented expedient came near resulting in disaster to the new ship. The British Parliament had promised a large reward to any sailors who would bring an American ship into a British port, and the English part of the crew, being aware of this offer, organized a mutiny when the *Alliance* was approaching the coast of France. There were some Americans on board, however, and by prompt measures the mutiny was quelled and the rebellious Englishmen were imprisoned when the ship reached L'Orient. Then occurred one of those instances in the life of LaFayette which shows the noble charity of that illustrious man. He secured the exchange of the mutinous prisoners for American sailors when they might have been put to death by law. Having agreed to serve in the *Alliance,* instead of doing their duty, they formed a plan to kill her officers and run the ship into a British port. "They are Englishmen," said LaFayette, "and were serving us somewhat against their will. Let us exchange them for men who will serve us faithfully."

Captain Landais was a great disappointment, not only to his country, but to America as well. He had been

discharged from the French navy on account of his having an ungovernable temper. Being placed under the command of Paul Jones he was insubordinate, thinking that he, instead of the Continental hero, was entitled to command the squadron. He was present with the *Alliance* when Paul Jones in the *Bon Homme Richard* conquered a deathless name by destroying a superior ship, the British frigate *Serapis* 50, in a night battle off the bold headland of Flamborough, that is one of the most inspiring traditions of the American Navy. While the *Richard* was in the midst of the terrible death grapple, lashed to her enemy by the hands of Paul Jones himself, Captain Landais wore around with the *Alliance* and fired a broadside into both of the contending ships, which killed or wounded ten or twelve of the American crew. After the battle Captain Landais was relieved of the command of the *Alliance*, and Captain Jones assumed command of her and afterwards made a brilliant cruise completely around the British Islands, passing down the English Channel on his return in view of the whole British fleet, after which the *Alliance* returned to the United States and was placed in command of Captain Barry. In February, 1781, the *Alliance* in command of Captain Barry, sailed from Boston for France with Colonel Laurens on board, who had business of great importance at the French Court.

After capturing the British ship *Alert,* on the outward passage the American frigate anchored at L'Orient from which port she sailed for the United States on the 31st of March, 1781, in company with the 40-gun French privateer *Marquis de La Fayette.* On the third day out they chased and captured the British privateer, *Mars* 26, with a crew of 112, and the *Minerva* 10, carrying 55 men all told. The *La Fayette* returned with the prizes

and the *Alliance* continued her course toward the United States alone. On May 28th, the watch at the mast-head shouted, "sail ho!" and a few minutes later Captain Barry observed two ships standing toward the *Alliance,* with a fresh breeze. The crew was called to quarters and the *Alliance* was immediately cleared for action. Night was advancing and the strangers having approached near enough to remain in sight during the darkness hauled up on the same course with the *Alliance,* evidently with a view of deferring the action until morning. At daylight they were still in sight, but a dead calm rested on the ocean. When the mist lifted the English colors were seen on the masts of the pursuers and they were distinctly made out to be a sloop of 16 guns and a brig of 14. There was not a ripple on the wide surface of the sea and the *Alliance* lay motionless. The two light British vessels were enabled by the use of sweeps to take any position they chose, and moved around until they lay across the stern and quarters of Captain Barry's ship, and deliberately opened a fire which the Americans could not effectively return except with the stern guns of the *Alliance.* Captain Barry, pacing the quarter deck and directing the fire, received the only wound he suffered during the Revolution. A grape shot crashed through his shoulder and after standing at his post until he fell from exhaustion and loss of blood, he had to be carried below. There was a lull in the battle, a shot carried away the American flag and the British crews manned their yards and gave three cheers for victory, expecting to take possession of the American ship, and for a moment ceased firing and hailed to know if the *Alliance* had struck. The gun crews of the *Alliance* stood at quarters in deep rage at their inability to take part in the action. Finally at a great distance a white ripple was

seen on the surface of the sea; the men on the tops shouted down that a breeze was coming and the crew of the *Alliance* began cheering; presently her sails were filled, and she gained steerage way; wearing around the *Alliance* drove between the two British ships, and, in passing, her crew vented their pent up wrath by delivering broadsides right and left into the enemy.

The action lasted but a few minutes, when the two British vessels struck their colors and their crews surrendered as prisoners of war. They proved to be the brig *Atalanta,* Commander Sampson Edwards, and the brig *Trepassy,* Commander James Smith. The commander and five men of the *Trepassy* were killed and two of the crew were wounded, while the *Atalanta* lost five killed and wounded. Captain Barry's report of this battle was as follows:

"On the 28th, May, in latitude 40°, 34′, and longitude 63°, 1′, we fell in with two of his Britannic Majesties sloops of war the *Atalanta* and *Trepassy,* the former commanded by Captain Edwards, the latter by Captain Smyth, who was killed in the engagement, who bore down upon us, and after a smart action we had five men killed and twenty-two wounded, three of which have died of their wounds since. I am amongst the wounded. The occasion of my wound was a large grapeshot, which lodged in my left shoulder, which was soon after cut out by the surgeon. I am flattered by him that I shall be fit for duty before the ship will be ready to sail, and I am of the same opinion, as the ship is shattered in a most shocking manner, and wants new masts, yards, sail, and rigging. Soon after the sloops of war struck I tho't it most prudent to throw all the *Trepassy's* guns overboard and take away all her military stores and to fit her out as a cartel, and to send all the prisoners I

had on board with them I had that day taken, for Newfoundland, which the captain of the *Atalanta* assured me, should be regularly exchanged, only keeping on board the captain of the *Atalanta,* the purser, doctor and wounded, and the senior officer of the *Trepassy,* with a few others. As the *Atalanta* was the largest vessel and copper bottomed, I got jury-masts upon her (she being dismantled in the action), and ordered her to Boston, which I thought the nearest and safest port; we being at that time in a shattered condition, very foul, and having hardly men enough to work our ship, I tho't it most prudent to make the nearest port we could." 1.

The *Atalanta* was re-captured before she reached Boston, but the *Alliance* was not molested during the remainder of the voyage.

It fell to the lot of Captain Barry to fight the last battle of the Revolution on sea. During the year 1782, the famous ship, the *Alliance* 32, was much employed on account of her superior sailing, being the best ship in the Continental service. In fact, she sustained the reputation in Europe as well as in America of being the finest piece of naval architecture afloat. She was sent to Havana for specie to be delivered to the Continental Congress and left that port on March 7th, 1783, in company with the *Lausan,* a merchant ship, laden with supplies. Shortly after leaving Havana the *Alliance* fell in with two British vessels which immediately gave chase. Captain Barry, in accordance with his duty, immediately crowded all sail to escape and the *Alliance* squared away with the wind under a staggering breeze. One of the vessels in chase seemed to be a superior sailer and with a cloud of canvas, her prow was throwing the water at a speed of not less than eleven knots an hour; and the

1—Records, State Department.

excitement of a chase at sea was afforded to the crews of both ships. Presently Captain Barry discovered a large sail on his weather bow and the stranger, which was hull down, soon after appeared, and when she responded to the private signal of the day it was at once known that she was a friend, and her hull coming into view, it was seen that she was a French line-of-battle ship of fifty guns. Captain Barry immediately called his crew to quarters.

The *Alliance* cleared for action and luffed to wait the attack of the enemy, displaying the American colors, the captain fully relying on the French ship to take care of the consort ship of the Englishman. The British vessel was the *Sibyl,* Captain Vashon, mounting twenty-eight guns, and without hail or ceremony she opened with a terrific broadside which was replied to by the *Alliance* so promptly that the crashes of both batteries were almost simultaneous. The *Alliance* wore around until she lay alongside the enemy and then, side to side, and yard arm to yard arm, the battle raged in the old-fashioned way described in romance and history.

In the beginning of the Revolution the American war vessels were manned principally by landsmen and many of their officers, including Captain Barry, had never seen a battle. They had it practically all to learn but now, after seven years of experience, they had learned their terrible trade and had become formidable warriors at sea.

Nothing in the history of the navy exceeds the gallantry and steadiness with which the men of the *Alliance* served their guns in this last battle. Broadside after broadside was poured into the hull of the *Sibyl* with a disciplined steadiness and appalling regularity that were not counted on by Captain Vashon, and in a few min-

utes he ran up distress signals, calling for the aid of his companion ship. The guns of the *Alliance* were elevated and began to play havoc with the rigging of the *Sibyl*, and the British captain thought it was high time to haul off while yet he had a sail or the mast left. Accordingly he put up his helm and wore away toward the companion ship, his design evidently being to induce Captain Barry to follow him and engage both British ships, which would be highly imprudent and might result in the loss of the *Alliance*. Captain Barry started in chase, counting on the assistance of the French man-of-war, but the French ship was too dull a sailer to keep up with the *Alliance* and the chase had to be abandoned.

Speaking of this action years afterwards Captain Vashon said that he had never seen guns served with such precision and accuracy as was shown on the *Alliance* on that day, and that he had never received such a drubbing in all his life. The loss of the British was 87 killed or wounded, while the *Alliance* had three killed and eleven wounded. Like the battle of New Orleans the engagement between the *Alliance* and the *Sibyl* was fought after peace had been declared. On the day of the battle the *Triumph* was in mid-ocean, bringing to America the treaty of Paris in which England had acknowledged the Independence of the United States.

After the war was over the *Alliance* was sold to Robert Morris and the Continental Navy practically ceased to exist. When the new government came into being in 1789 the United States was without a navy.

At that day the public was strongly opposed to the organization, either of a standing army or a regular marine force. "We will have no navy," they said. "Ambitious men may get control of the government and use

the navy to oppress our people. All our cities are on the sea-coast and they might be blockaded and starved into submission to the will of those who are in power if we have a regular force of armed vessels at the disposal of the President and Congress." It required some years to overcome this strange prejudice and convince the people that American citizens in office would not use the power vested in them to oppress or enslave the people. Finally, on account of the outrages perpetrated by the pirates of Algiers, who captured the American schooner *Maine* in 1785, with all her crew, and demanded an exorbitant ransom which was paid by the United States government, Congress decided to build a navy. Public sentiment was in favor of building war vessels rather than paying tribute to the Mohammedans of Northern Africa, and six frigates were authorized to be constructed, the first of which was the *United States,* to be built at Philadelphia.

On June 5th, 1794, six captains of the new United States Navy were selected by President Washington, and the name of John Barry was the first on the list. His original commission is still preserved at Annapolis and it is marked "Number One." He was the first naval officer commissioned by the government of the United States, and is justly called "the Father of the American Navy."

The pay of captains, which had been $60.00 per month during the Revolutionary War, was raised to $65.00. On April 13th, 1798, the Secretary of the Navy was added to the President's Cabinet, and Benjamin Stoddart of Georgetown was the first of that line of illustrious officers who have administered the affairs of that department of the government. By virtue of his seniority Captain Barry was the ranking officer of the navy, the ranks

of Admiral, Vice-Admiral and Rear-Admiral not having been created during his time. He is often spoken of as "Commodore," but this title was colloquial among seamen, and referred to the commander of more than one vessel. It was not established by law.

After the French revolution had taken place France and America ceased to be friendly. The dignified statemen of America abhorred the excesses practiced by the French revolutionists and the policy of the French Government, which they regarded as destructive of genuine liberty. During the administration of Washington, French privateers began to prey upon American commerce, and on July 17th, 1789, all treaties were abrogated. Captain Barry was called into service and ordered to put to sea in command of the *United States* 44.

In 1794, Captain Barry had been appointed by the government to superintend the building of this frigate at Philadelphia. He had selected in the forests of Georgia the live oak, out of which she was constructed, and afterwards directed the building of this first vessel of our navy that afterwards had such a glorious record. She was launched in 1797, and on December 17th, 1798, Captain Barry, by order of the Secretary of the Navy, took command of the squadron, consisting of the *United States,* the *Constitution,* the *Washington* and the *Merrimac,* with several other vessels.

With this force Captain Barry was directed to proceed to the West Indies, "to be employed as his knowledge of those seas, and his judgment shall suggest in active operations for the protection of our commerce, and the capture or destruction of French armed vessels." Here again Captain Barry was first to command the first vessel of the United States Navy. Under his command was Midshipman Stephen Decatur, a lion-

THE FRIGATE "UNITED STATES."

hearted sailor who five years later burned the *Philadelphia* under the guns of Tripoli, which act Admiral Nelson of the British navy declared to be the most daring exploit of the age. And it was the *United States,* under the command of Decatur, that fought one of the most glorious battles of the second war with Great Britain, in which the British Frigate *Macedonian* was captured near the Canary Islands. The *Macedonian* was one of the favorite ships of the British navy, commanded by Captain Carden, famous as a disciplinarian, a veteran who had served under Nelson. This achievement perhaps more than any other humbled the pride of England, so lately swollen with the victory of Trafalgar. And on this cruise Captain Barry had the honor to have under his command the frigate *Constitution* 44, now the last relic of the first ships of our navy. It was the *Constitution* that gave England the first surprise in the war of 1812, when, on August 19th, under command of Captain Isaac Hull, off the coast of Nova Scotia, she fell in with the British frigate *Guerriere,* 38 guns, under Captain Dacres, and without sustaining scarcely any damage, destroyed the British vessel in forty minutes. Again, off the coast of Brazil, on December 29th, 1812, she captured the *Java,* 47 guns, after a hard fight of one hour and fifty minutes. This is the most historic ship in America. She seems to have borne a charmed existence. Few men were ever killed or wounded on her decks in her numerous battles, and her good fortune became proverbial in the early history of the navy. Whoever steps upon the deck of her dismantled hulk, now roofed over and moored at Charlestown navy yard, will realize that he sees the last relic of a heroic period of naval warfare, a ship of other days, celebrated in song, and a story, whose name is associated with deeds of

surpassing courage and with heroes whose names shall not fade from the pages of our history.

French privateers by this time had become so numerous in the West Indies that the government thought it necessary to direct all its naval force against them. The squadron, under Captain Barry, was ordered to rendezvous at Prince Rupert's bay, and to cruise to the windward of St. Kitt's. While cruising off the coast of Martinique, February 3, 1799, Captain Barry sighted a suspicious sail, and immediately gave chase. The *United States* soon bore down on the stranger, which turned out to be the French privateer *Amour de la Patrie.* The Frenchman tacked to the windward, thinking that he might out-sail the *United States,* but while he was undertaking to make this movement under the guns of the frigate, a single 24-pound shot from the *United States* disconcerted his plans. It struck the privateer between wind and water and she immediately began to fill and settle. A commotion on board the *Amour de la Patrie* was at once apparent, and the cries of her people could be heard. Captain Barry, always humane, ordered that no more shots should be fired and sent Decatur with a few sailors to take possession of the privateer. She was sinking and her crew gathered on the deck. "They were imploring for help," wrote an eye-witness, "with earnest gesticulations, not only from men, but from God, and although it is true they had abolished all religion, they had not, it seemed, forgot the old way of invoking the protection of the Omnipotent." 1.

Decatur saw at a glance that they had not enough boats to carry all the crew, and if those that they had were

1—History of the United States Navy, Edward Stanton Macklay. Vol. 1, p. 175.

lowered they would be swamped by the franctic men who would leap into them. He ordered them to steer to the American ship, assuring them that he believed that the *Amour de la Patrie* could be kept afloat long enough to reach the frigate. The boats of the *United States* were lowered to save the Frenchmen, and scarcely had the last man jumped from her deck to safety when the French privateer went to the bottom.

There were a number of American prisoners held by the French at Guadeloupe, and it was known that they were not treated well, and Captain Barry determined to exchange the crew of the privateer for them, and for that purpose put into the roads of *Basse Terre* with a flag of truce at the foremast of the *United States,* to negotiate the exchange with the governor, but the French batteries opened on the *United States* when she came within effective range, notwithstanding the flag of truce. The indignant captain proceeded to bombard the walls of *Basse Terre,* which bore the marks of his wrath for many years afterwards.

Naval service in the days of the Revolution was different than now. A great part of the success of the ship depended on the promptness and accuracy with which the sails were adjusted as circumstances might require. The crew of the old-fashioned sailing war vessel was practically governed by its own code of laws. On three-masted ships, the men in the tops were divided into three sections, one section for each mast, each section commanded by an officer. These were the fore-top-men, the main-top-men, and mizzen-top-men. They reefed or furled the top sails, not thinking of leaving their airy perches "while the flame that lit the battle's wreck, shone round them o'er the dead."

Another set of men trimmed the lower sails near the deck. Then, as now, there were a number of boys in the crew. The duty of these boys was to wait on the officers, but in battle they performed the duties of "powder monkeys," carrying ammunition from the magazine to the guns.

The entire crew was divided into the port and starboard watches and orders were given through the boatswain's mate, whose shrill whistle could be heard in the roar of battle, as well as in the fury of a hurricane. Day after day the men were drilled in clearing the decks for action, as if an enemy were present.

The crew was called to quarters, the orders were given, the gun crews took their places beside the guns, and behind them, their officers, sword in hand, and in battle this position of the officers was deeply significant, for it was their duty to cut down the man who for one moment shirked his part of the terrible work. The magazine was opened and a woolen blanket, soaked in water, with a hole in the center, through which to pass the ammunition, was spread over the door. The man in charge of the ammunition took his place inside and the "powder monkeys" took their places, ready to carry the cartridges and lay them in convenient places beside the guns.

An emergency hospital, which was called the cock-pit, was cleared for the reception of the wounded; and the surgeon ominously laid his instruments conveniently in a row on the table, not thinking to sterilize his hands and his instruments, as surgeons do now; and grimmest of all, the quarter-master placed buckets of sand on the deck, for in battle the deck would soon be slippery and the sand would be used to prevent the men from slipping in the blood of their comrades. The boarding

pikes and cutlasses were stacked around the masts, and at other convenient places, to be grasped by the boarding crew when the moment came for clambering upon the deck of the enemy's vessel. The marines took their places in the tops, musket in hand, to fire on the decks of the enemy. Sailors clutched the ropes to maintain themselves while they shifted the sails and the grim captain of the vessel paced back and forth on the quarter deck issuing short and peremptory orders in the peculiar language of the sea.

The sea battles fought in those days might seem comparatively trifling in this century, but inconsiderable as they might seem compared with the battles of Manila or Santiago, they were fraught with the greatest importance in the struggle for independence; and in the first part of the war of 1812 our national honor and dignity were saved by the achievements of our sailors. To illustrate the importance of a naval victory in those days, as looked upon by the people of England, and the importance attached to the capture even of a single ship, the history of the affair between the *Chesapeake* and *Shannon* will afford us an idea of how a naval hero was lionized.

On June 1st, 1813, Captain Philip Bowes Vere Broke, in command of the British frigate *Shannon,* 38, sent a challenge to Captain James Lawrence, commanding the *Chesapeake,* 36, in Boston harbor. Captain Lawrence, one of the bravest naval officers of that period, was new to the ship, and had an inexperienced crew, lately recruited from other ships, and partly disaffected on account of difficulties in distributing prize money, but he nevertheless accepted the challenge and made sail to meet the *Shannon.* His heroic death and his last words: "Don't give up the ship!" are familiar to every school

boy. The *Chesapeake* was captured and taken to Halifax, and America sustained her first defeat at sea of any importance in the second war with Great Britain.

News of the British victory was carried to England by the brig *Novia Scotia,* Lieutenant Bartholomew Kent, leaving Halifax June 12th, and arriving at Plymouth on the 7th of July. The next evening, while Lord Cochrane was criticizing the Parliament for its conduct of the war, and referring to the loss of the *Guerriere,* the *Macedonian* and the *Java,* a messenger arrived with tidings of the victory in Boston harbor, and when the announcement was made, the House forgot its traditional dignity and gave vent to its enthusiasm by cheering loudly. When Captain Broke came to England he was presented with a sword and the freedom of the city by the City of London, the Tower guns were fired in his honor, and a little later he was made a Baronet of the United Kingdom and a Knight Commander of the Bath. He and his descendants were allowed to bear the following "crest of honorable augmentation:" "issuant from a naval crown, a dexter arm embowed, encircled by a wreath of laurel, the hand grasping a trident erect," with the motto: *"Saevumque tridentem servamus."* 1.

Captain Barry fought no battle of any importance in the naval war with France. About this time his health began to fail. Originally of iron constitution, the terrible hardships of sea life began to undermine the ruddy health that glowed on his cheek in the days of '76. Secretary Stoddart, in a communication to him, jokingly remarked that his illness was perhaps due to his "great disappointment in not falling in with

1—History of the United States Navy, Edward S. Macklay. Vol. 1, p. 175.

Monsieur." He brought the *United States* to Philadelphia in May, 1799, to refit, and when she was again ready to go to sea in June, Captain Barry was ordered "to protect our defenseless coast." Captain Barry cruised on the Atlantic until October, when he was directed to take the American Envoy Extraordinary to France in the *United States*. This seems to have been his last trip across the ocean. On December 6th, 1800, Captain Barry was ordered to proceed to St. Kitts and assume command of the squadron off Guadaloupe Station, but before he executed this order, peace was declared between the two nations. Among the last services rendered to the government by Captain Barry was giving his opinion of the respective merits of the most promising officers for the information of the President, who was about to select several officers for the Navy. This duty done, he was allowed to return to Philadelphia "to remain until the government requires his services, of which he will be apprised."

When the war with Tripoli commenced in 1802 Captain Barry was informed that his services would be required in the Mediterranean, but by this time his health had entirely failed. The veteran who had faced death a hundred times in the discharge of his duty was now about to face the conqueror of all men. On the 13th of Setember, 1803, he died in peace at his home in Philadelphia, and was laid to rest in Saint Mary's cemetery on South Fourth street, with appropriate ceremonies. Thus died one of the bravest defenders of American liberty.

Captain Barry never shirked a duty, and his good judgment in all matters was relied upon by the Continental Congress, and by the government after its establishment. His capacity as a commander, and his place

among the great naval chiefs of the world, can never be exactly defined. All of his battles were fought with a single ship, for under the circumstances he could not be provided with any more. Allen's Biographical Dictionary, 1809, speaking of Captain Barry, says: "Barry was a patriot of integrity and unquestioned bravery. His naval achievments reflect honor on his memory. The carnage of war did not harden his heart into cruelty. He had the art of commanding without supercilious haughtiness or wanton severity. Another trait in his character was the punctilious observance of the duties of religion."

His humanity to those who were in his power was well known to everyone. Although during his service in the Revolutionary war, American prisoners were suffering slow death in the prison ships at New York, he never thought of visiting their misfortunes on the heads of British prisoners, or allowing any indignities to be heaped upon them by his crew, on account of the crimes of others. In many instances prisoners became so attached to Captain Barry that they took service under him.

Frost's Naval Biography, written at an early day, and at a time when the author had the privilege of knowing Captain Barry personally and speaking with his comrades, refers to him in this language:

"His name occurs in connection with not a few remarkable events in the history of the Revolutionary war, and always with credit to himself and honor to the flag under which he sailed. Few commanders in the Navy were employed in a greater variety of service or met the enemy under greater disadvantages. Yet in no one of the numerous actions in which he engaged did Commodore Barry ever fail to acquit himself of his

duty in a manner becoming a skillful seaman and a brave warrior."

In May, 1906, Congress made an appropriation to erect a monument to Captain Barry, and all that human hands can accomplish will be done to express the gratitude of the nation for his services. But the men who achieved the independence of the United States erected for themselves a bolder monument than the Pyramids of Egypt, and the memory of the First Officer of the American Navy, will not wholly depend on the work of the architect or the sculptor.

Since the day that the frigate *United States* was launchel at Philadelphia, under the eye of Captain Barry, our Navy has grown steadily from year to year. The frail vessels of wood that braved the battle and the gale in the Revolution and in the war of 1812 have been transformed into

> "The armaments which thunder-strike the walls
> Of rock-built cities, bidding nations quake,
> And monarchs tremble in their capitals;"

and the future achievements of those armaments are in the hands of that Providece that will shape our destiny. And down through the ages to come, in the heroic history of the sea, the name of John Barry will be remembered as the Father of the American Navy.

CHAPTER V.

PHILIP HENRY SHERIDAN.

The Parents of Sheridan—His School Days—Sent to West Point—Serves on the Frontier—Commissioned a Captain—Serves as a Quartermaster—Tardy Recognition—Colonel of Cavalry—Battle of Booneville—Sudden Rise to Fame—Perryville—Stone River—Chickamauga—Missionary Ridge—Transferred to Virginia—The Ride Around Lee's Army—The Defeat of General Stuart—His Campaign in the Shenandoah—Winchester—Fisher's Hill—Cedar Creek—Called to Richmond—Closing Scenes of the Rebellion—Capture of Lee's Army—To the Frontier Again—Witnesses the Franco-Prussian War—The Chicago Fire—Character of Sheridan—His Place Among the Great Generals—His Death—Funeral Sermon by Cardinal Gibbons.

In 1829 John Sheridan and Mary, his wife, left their humble home in the County of Cavan in Ireland for Quebec, taking with them their two small children. After moving form Quebec to St. Johns, New Brunswick, and from there to Portland, Maine, they came to Albany, New York, in 1830, and there, on March 6th, 1831, Philip Henry Sheridan, their second son, was born. While Philip was yet a child in arms the family removed to Somerset, Ohio, which was then a frontier village. John Sheridan was a very industrious man and did not hesitate to turn his hand to the rudest kind of work when he was not so fortunate as to secure contracts on the turnpike roads that were then a species of public improvement that afforded opportunity for common labor. Somerset was in the midst of what Daniel Webster referred to as a "fresh untouched, unbounded,

magnificent wilderness," and called for all the energies of the population who then ventured to make their homes in that region. Mrs. Sheridan was a woman of rare good sense and brought up her family of five, four of whom were boys, to habits of industry, and from her the future General inherited many of the sterling qualities that rendered him famous. Somerset is in Perry county, which was formed a few years before the coming of the Sheridan family, and was located along the main traveled highway from St. Louis to Pittsburg. A perpetual stream of emigrants passed through the town on their way to the boundless West, and merchants with pack trains loaded with furs or Spanish dollars, passed through on their way from the remote trading posts. In that day the streets of Somerset were always lined with horses and the little taverns resembled the headquarters of a cavalry regiment. From his earliest childhood little Philip was familiar with horses and had a passionate fondness for them. When he was but five years old, some boys put him on the back of a spirited horse, without saddle or bridle, not thinking that the horse would run away. To their utter consternation the animal tossed its head in the air and dashed down the road at full speed with the child clinging to its mane. Mile after mile, the future cavalry leader maintained his position, until the horse suddenly turned into the yard of a wayside tavern, and the excited guests took the little hero down from the back of the foaming steed. Philip was not the least excited and certainly enjoyed the ride more than his companions (who expected that he had been dashed to death), enjoyed their prank.

"Who on earth taught you to ride," asked a gentleman who led the child by the hand into the tavern.

"Nobody," answered little Philip, "I just knowed how. Willie Seymour said the way to ride was to hold on with your knees, and I did."

As soon as the boy was old enough he was sent to the village school, which was conducted in true frontier fashion by a Mr. McNanly, a man of April-day temper, varying "from grave to gay, and from lively to severe," and little Philip and his companions, like those who sought instruction at the feet of the pedagogue immortalized by Goldsmith,

> "Learned to trace
> the day's disasters in his morning face."

The future commander of the army was not long under the tutelage of this worthy until an opportunity arose for the display of all his native generalship. A small boy by the name of Home was unquestionably a favorite of the master, which fact, to some extent, excited the jealousy of six-year-old Philip, and in one of the difficulties that occurred at play, the little favorite was obliged to take refuge from the wrath of the future commander in the school house, and presented himself to his sympathetic teacher with a bloody nose. There was a fence across the way from the school house, and on this, little Philip, expecting pursuit from the master, balanced himself, prepared to run in any direction and on either side of the fence, and when he saw the teacher issue from the door, switch in hand, he dropped off on the far side of the fence and ran as fast as his short legs could carry him, pursued by the irate master. Now the boy had a firm friend in the village, Sam Cassell, the tinsmith, and in the establishment conducted by Sam, the little fugitive from justice lost no time in taking refuge. The tinsmith was engaged in making a large boiler which was lying mouth

down on the floor, and Philip lifted it up and crawled under it. No sooner had he done so than the schoolmaster breathlessly stormed in the door, but there was no boy to be seen and the faithful tinsmith went on with his work as if nothing had happened. An hour later when the boy knew that the master's anger had cooled, he walked back into the school room, and the teacher never said a word about the boy or the chase.

Soldiers often passed to and fro through Somerset in those days, and the boys of the village, with cornstalk guns and tin swords, made mimic warfare, in which Philip Sheridan was always foremost, not content with being anything but captain; and nearly all of his troubles as a boy were due to his disposition to conquer other boys who aspired to the supreme command.

When he was old enough, his prudent and industrious father and mother saw to it that he went to work, and secured employment for him in the dry goods store of Fink & Dittoe at Somerset, and the tradition still remains in the village that he was a faithful, polite, and energetic clerk. He continued in this employment until 1847, when General Ritchie, who was the Representative of his district in Congress, intimated to his father that he would secure for him an appointment to the Military Academy at West Point if the boy could pass the examination. Young Philip was fired with ambition at the prospect of becoming an army officer, and immediately began the closest application to his studies. Night after night, with the dim light of a tallow candle in the back part of the store, he worked hard problems in arithmetic and mastered the facts of history and geography, preparing for the first great test of his life, and in 1849 he passed a satisfactory examination and was immediately dispatched to West Point.

His personal appearance at this time was not such as to make a deep impression on his instructors. He was barely tall enough to be admitted, and his education was very limited—all acquired at Somerset; and he made a rather sorry appearance among the proud scions of wealthy families representing the most distinguished people in America. He soon developed, however, into a superb horseman, was perfect in drill, alert and attentive, and those who were inclined to mischief and were so unsoldierly as to indulge in remarks not complimentary to the little backwoodsman, discovered to their sorrow that it was extremely dangerous to excite his anger.

In this short sketch of his life, the routine work at the Academy must give place to the more dramatic and historical events that filled his career.

Having finished his military education, he was commissioned a Second Lieutenant in the First Infantry, and immediately sent to the frontier on the Rio Grande, where he saw service against the Comanches and Apaches until 1855, when he was transferred to the Fourth Infantry, and after a very brief service at Fort Wood in New York harbor, he was sent with a detachment of recruits by way of the Isthmus of Panama to San Francisco, and on arriving there was immediately ordered to what was then Washington Territory. At that time the Yakima Indians were on the warpath, and Sheridan was placed in command of a detachment of mounted infantry, which in that day were called dragoons, and saw active service along the Columbia river. The first battle of any note in which he took part was at the Cascades of the Columbia. The Indians were posted on an island, from which they issued forth at frequent intervals to attack the settlements, and

Sheridan determined to capture the island. He dismounted a company of dragoons and embarking on a ferry boat, they dropped down the river silently and attacked the Indians, who occupied the island in great numbers. Sheridan soon discovered that his men were greatly outnumbered and were threatened with annihilation. The skill with which he conducted the retreat from the island with the loss of only one man averted what might have been a parallel to the Custer massacre. General Grant, then a captain, was serving in the same department, but the two future leaders of the army never met during their service on the frontier. Sheridan's superior officers took notice of his merit even in the brief and unimportant campaign against the Indians of the Northwest, and predicted, not without wishing to be complimentary, that some day he might be a colonel, and years afterward, General Wright, who served with him, telegraphed General Halleck, who was in search of a first-class officer, that Sheridan was worth his weight in gold, and on the strength of this recommendation, General Halleck had Sheridan promoted to the rank of Brigadier-General.

When the Civil War began in 1861, Sheridan was still but a lieutenant, and was stationed in the Northwest until October 1861, when he was commissioned a captain in the Thirteenth Cavalry, and ordered to report to General Halleck at St. Louis for assignment to duty. To his great chagrin, he was ordered by General Halleck to report to General Curtis, who was in command of the Army of Southwest Missouri, as Chief Quartermaster and Commissary, and on the 2nd of January, 1862, he entered upon the duties of that office. Nothing connected with the army could be less worthy of his great capacity as a soldier than looking after

the tents, baggage and supplies, and ordering the march of the wagon trains of the army. But he was selected for this duty on account of his being a regular army officer and having the technical knowledge necessary to furnish supplies promptly and efficiently to an army in the field, which is one of the most important branches of the science of war, and which was the secret of the greatness of the Duke of Marlborough. Those who served with Sheridan while he occupied this position remember his tireless activity and unceasing vigilance and his wonderful administrative ability, all of which he exercised in the highest degree, and that he carried out every order so promptly and vigorously as to astonish his superior officers. No labor was too great and no exertion too severe for him to undertake in the line of duty. He was strongly averse to taking the horses and other live stock of the farmers in that region, and had many difficulties with General Curtis on account of his opposition to this method of providing the army, which finally led to his being relieved. But General Curtis warmly commended the young quarter-master and predicted that he would win renown as a field officer, and requested that he be assigned to active service. The Civil War was in progress for over a year and General Sheridan had performed no greater duty than transporting and issuing rations at the rank of captain. He applied for the command of a regiment, but his application was pending for a whole year before he found work more suitable to his great military talents than looking after wagon trains and supplies. The Governors of the states appointed the officers of the volunteer regiments, and, of course, naturally favored the men with whom they were acquainted and in some

GENERAL PHILIP HENRY SHERIDAN.

instances men to whom they were under obligations, and were, therefore, slow to select officers from the regular army. A new regiment of cavalry had been raised in Michigan, the Second, and officers suitable to command cavalry, which requires more experience than infantry, were scarce. Captain Russel A. Alger, afterwards Secretary of War, knew Sheridan, and his qualifications, and requested General Granger to ask Governor Blair of Michigan to appoint Sheridan to the command of the cavalry regiment. Governor Blair was then at the battle field of Shiloh. Acting on the request the following auspicious document marking an epoch in the life of one of the greatest soldiers of the world was written:

"Pittsburg Landing, May 25, 1862.

Capt. Philip H. Sheridan is hereby appointed Colonel of the Second Michigan Cavalry. He is directed to take command at once.

AUSTIN BLAIR, Governor."

Sheridan was two miles away at Halleck's headquarters, and Captain Alger at once took the commission to him. The officers of Halleck's staff were assembled to celebrate the occasion, and one of them pledged Sheridan in this toast: "Here is hoping that your appointment is a step toward the star of a brigadier general." Sheridan blushed like a school girl, and replied: "No, gentlemen, I thank you for your good wishes, but I want no higher honor. I am now a Colonel of cavalry and have all the rank I want or expect."

It did not take the Second Michigan Cavalry long to discover that it was under the command of a genius. The soldiers, with the universal predilection for nicknaming their officers, called their Colonel, "Little Phil."

The unceasing activity of Sheridan as a commanding officer was manifested within a few days after his appointment as Colonel. After the battle of Shiloh, which was fought on April 6th and 7th, 1862, the Confederate army retreated toward the south, followed by the Union army, and for some time both armies maintained their positions at a distance from each other of about forty miles. Sheridan was placed in command of a brigade made up of the Second Michigan Cavalry, of which he was Colonel, and the Second Iowa Cavalry, and directed to occupy a position about twenty miles in advance of the Union army at Booneville, Mississippi, and in the center of the interval between the Union and Confederate lines. The little town of Booneville is located in a low level country and at that time was flanked on one side by an impenetrable swamp. The road from Blackland, Mississippi, approaches it from the west and a single line of railroad extended through it from north to south. Another highway extends south from it almost parallel with the railroad and this unites with the Blackland road at a short distance from the town. The whole force under General Sheridan did not exceed eight hundred men, and the object of maintaining the out-post was to watch the operations of the enemy and protect the front of the Union army. On July 1st, 1862, an attack was made on Sheridan's command by a force of Confederate cavalry under General Chalmers, which consisted of ten regiments, numbering altogether from five thousand to seven thousand men. One of Sheridan's out-posts on the road extending south from the town was almost surrounded and over-powered by the enemy and his pickets on the Blackland road to the southwest were driven in. It was the plan

of General Chalmers to surround Sheridan and hem in his forces on every side except the swamp and capture his entire command. The little force posted out on the road, with the small reinforcements Sheridan was able to send to its assistance, maintained its position stubbornly, but was threatened with annihilation by the immensely superior numbers of the enemy. In this desperate situation the general-ship of Sheridan never shown brighter. The late Russell A. Alger, afterwards Secretary of War, and a Senator from Michigan, was then a Captain in the Second Michigan Cavalry. Sheridan called Captain Alger, who was then so ill that he was scarcely able to leave his tent, and asked him if he was willing to undertake an almost hopeless attack on the rear of the enemy. The heroic captain answered that he was willing to obey any order of his superior officer. "Take these two companies then," said Sheridan, "and proceed by the road through the woods toward the west until you pass by the flank of the enemy, then turn to the left, cross the Blackland road, and go around to the road from the south; if possible come out of the woods suddenly upon the rear of the enemy. Do not deploy your force into line; if you do they will see how few are in your command; charge them in column of fours, and order the men to cheer loudly and make as much noise as possible. The moment I hear the cheering I will attack them in front. If you are over-whelmed, retreat if you have any of your men left."

Nothing astonished the future Secretary of War and distinguished Senator more than the minuteness with which Sheridan described every foot of the road that he ordered the Captain to proceed over. Like all great generals, Sheridan first acquainted himself with the ter-

ritory surrounding him. He knew the exact location of every stream, bridge, grove, hill, valley and house within miles of his command as well as the nature and character of the ground.

Captain Alger immediately took command of the two companies, one from the Michigan and the other from the Iowa regiment, chosen by Sheridan on account of the rivalry between the two commands, and numbering together but ninety men, and rode out on the desperate enterprise. All the while the battle was raging to the south of the town. The little Colonel of the Second Michigan paced back and forth counting the minutes, waiting to hear the cheering that was the signal for Alger's attack. The hour passed and yet there was no cheering. Sheridan hesitating no longer, but fully relying on Captain Alger to make the attack as directed, ordered a charge of his entire command along the whole front. Fortunately for him, at this instant a train arrived with supplies, but no reinforcements. Sheridan ordered the engineer to blow the whistle long and loudly in order to lead the enemy to believe that reinforcements had arrived. At the moment he charged the Confederates at the head of his command there was a great commotion in their rear, for Alger's little column had thundered down upon them with such vigor and with such loud cheering as to lead them to believe that they were attacked by a whole army. The Confederates dispersed in every direction and there were many ludicrous incidents in Alger's command as well as among the Confederates. Alger's men being so few, and surrounded by the enemy, were anxious to find cover and rode into the woods. The Confederates, believing that Alger commanded a large force, were anxious to escape from the enemy that attacked them

in the rear, so that both parties were flying from each other. When it was all over it was found that Alger's loss was comparatively trifling, while the victory of Sheridan over eight times the number of his command attracted the attention of all his superior officers and won for him the rank of Brigadier General, which was dated from July 1st, 1862, the date of his victory.

General Sheridan now having a national reputation as a cavalry commander was ordered to Louisville, Kentucky, and placed in command of a division of General Buell's army, which was then opposed to the Confederates under General Bragg, and took a conspicuous part in the battle of Perryville. In his memoirs he indulges in mild criticism of General Buell, who had met with an accident just before the battle and was confined to his tent. A Confederate corps emerging from the woods made a terrific assault on the division of the Union army commanded by General Crook, and between these contending divisions of the respective armies the battle raged during the entire day. An army of thirty thousand Union troops was held in reserve without orders while their comrades were so hotly pressed, and Sheridan, who was engaged during the entire action, observed the blunder of not bringing this reserve army into action. The result was a drawn battle with little or no practical results, in which five or six thousand men were sacrificed on each side.

On October 30th, 1862, General Rosecrans superseded General Buell and took command of what was known afterwards as the Army of the Cumberland. He immediately divided it into three divisions, known as the right and left wing and the center—and from that time forward during the period of his command of the Army of the Cumberland, Sheridan commanded a di-

vision of the right wing of his army. A more extended history of the operations of the Army of the Cumberland while it was commanded by General Rosecrans will be found in the sketch of the life of that distinguished soldier. General Bragg having retreated into Tennessee, the Army of the Cumberland, under General Rosecrans, took up its march toward the South, the object of Rosecrans being to defeat Bragg and occupy the State of Tennessee. The brilliant part that Sheridan took in the battle of Stone River is common history. His division suffered more than any other division engaged. The killed and wounded numbered forty per cent of his command, and four of the brigadier generals serving in his division were killed. Sheridan spent the greater part of the night before the battle inspecting his lines and seeing to it that every man was in position. About midnight he went to his headquarters in the rear and lay down under the open sky of the winter night, wrapped in his blanket. The weakness of the Union army lay in the fact that the right wing extending towards the west was not properly protected and its extreme right, under General McCook, was in danger of being out-flanked and surrounded by the enemy. General Sill, of Sheridan's division, heard a movement of the Confederates in the cedar forest toward his right and immediately went to find Sheridan. After talking it over they both concluded rightly that it was the plan of General Bragg to overwhelm the right of the Union army. They both rode over to General McCook's headquarters and informed him of the movement of the enemy and that he might confidently expect to bear the brunt of the attack in the early morning. General McCook, one of the bravest men in the army,

often took counsel of his courage rather than of his julgment, and seemed to think that his dispositions were all properly made to sustain any attack of the enemy, and refused to believe that he would be attacked in such force as to drive him from his position. Sheridan, whose command was near the center, guessed correctly that the main attack of the Confederates would be upon the right of the Union army and changed the position of two of his regiments so as to meet the advance of the enemy in case McCook should give way—the very thing that did occur.

In the three days of terrible fighting Sheridan scarcely slept. He was constantly under fire and there was no danger to which his men were exposed that he did not himself share. After the battle was over the Confederate army retreated and the Union army went into winter quarters.

Nothing of great importance happened during the winter. The terrible battle seems to have been such a shock to both armies that for nearly a year afterwards there was no conflict of any importance between them.

Rosecrans was perhaps the most cautious of all the Union generals, and never attacked the enemy without some degree of certainty that success would follow.

When the autumn of 1863 was approaching the Army of the Cumberland was put in motion and the campaign in and about Chattanooga began. Another desperate battle at Chickamauga tried the mettle of Sheridan and his command to the utmost. For three days the Union army withstood the assaults of masses of the Confederates, delivered with all the southern, dash and spirit, and directed by the most consummate generalship, and the result was that the national forces retreated sullenly and slowly from Chickamauga to Chattanooga,

at the foot of Lookout Mountain, where they were hemmed in by the Confederates and threatened with starvation. All avenues by which supplies could be brought in were cut off except one circuitous route through the Cumberland Mountains, over which supplies were hauled in wagons, and the provisions destined for the army were often captured by the enemy while passing through the defiles of the mountains. A company of cavalry on detached service happened to be in Sheridan's command and he sent this company out into the valley some ten or fifteen miles from his headquarters to forage, and so successful were the efforts of this small body of cavalry that Sheridan's command never wanted for provisions. His men often feasted on chickens, ducks and turkeys when the others went hungry waiting for the wagon trains to come.

The Confederates were posted on Lookout Mountain and Missionary Ridge and for sixty days threw shells into the Union camp. Strange as it may seem, the shells did little damage and few men were killed. For the first few days the men could not sleep and were nervous and expected every moment to be killed. After a time, when they discovered that the danger was not so great, they began to regard the bombardment with contempt and paid no attention whatever to the occasional shells that burst around them.

Finally, on November 23rd, after General Rosecrans had been relieved and General Grant took command of the Army of the Cumberland, the most picturesque and dramatic battle in the history of warfare began, in which Lookout Mountain and Missionary Ridge were stormed and captured by the Union army.

The designations of "right wing," "left wing," and "center" were discontinued after Grant took command,

and the former method of organization by corps and divisions was again adopted. Sheridan's division consisted of twenty-five regiments, originally of one thousand men each, but now depleted until his whole command did not exceed ten thousand men. It was not the intention of General Grant to undertake to carry Missionary Ridge and Lookout Mountain at the point of the bayonet. In fact, he did not think it prudent to undertake so desperate an enterprise. His idea was to attack the north end of Missionary Ridge and compel the Confederates to move the greater part of their men for the defense of that part of their line, and while the rest of their lines were weakened by sending men to defend the main attack, to capture the breast-works at the base of the ridge. Missionary Ridge was protected by three formidable lines of defense. Earth-works were thrown up near its base, which were filled with a solid mass of infantry. Half way up the ridge pits were formed in a broken line so as to afford protection for a large force and at the same time admit of enfilading an approaching enemy with a cross fire from right and left; and the summit of the ridge fairly bristled with artillery and was occupied by a large force of infantry that could be moved back and forth to meet any attack that might be made. General Sheridan was ordered to capture the works of the enemy at the foot of the ridge, but not go any farther. With the foresight of a great general, Sheridan understood that if the works at the foot of the ridge were captured, there would be such enthusiasm in the army that the men would not be satisfied without going to the summit of the mountain. He therefore sent his aide to General Granger, who was his immediate superior, and asked permission to proceed up Missionary Ridge as far as he was able after captur-

ing the works at the base. But orders were sent back not to undertake to climb to the top. Finally orders were given to advance. The division of Sheridan moved out gallantly across open ground under a plunging fire from the summit of Missionary Ridge and stormed the works along the northwest face of the mountain. The enemy made a desperate resistance here, but were either captured or retreated in groups to the next line of works half way up the ridge. Then it was that Sheridan again asked permission to continue the attack, but while his messenger was gone, he lost all patience, took advantage of the enthusiasm of the moment and ordered his men to go the very summit. The battle flags of his twenty-five regiments were advanced to the front and a magnificient rivalry began among the different commands to determine whose flag would be first placed on the second line of earth works. Here again there was another desperate encounter, but finally one flag after another began to flutter from the second line of defense, and again the Confederates retreated to the summit of Missionary Ridge. Stretching for more than a mile in irregular groups, cheering wildly, clambering over logs and rocks and over spaces that were plowed and torn by the storm of shells from the artillery that was directed down at an angle of nearly thirty degrees, Sheridan's division climbed up the sides of Missionary Ridge and magnificiently swept the enemy from its summit in disobedence to the orders of General Grant. The loss in Sheridan's division was the greatest in the Army of the Cumberland, but his regiments planted their flags on Missionary Ridge and the Confederates retreated. Sheridan, who was acquainted with every foot of the ground, knew that there was only one avenue of escape for the Confederate army, and pursued the enemy

with unremitting energy. He asked for reinforcements for the purpose of surrounding the enemy by passing the flank of the mass of Confederates and taking a position on the only road by which they could escape, which would result in the certain capture or destruction of Bragg's entire army. General Granger, after many requests by Sheridan, yielded to his entreaties and allowed him to pursue the enemy, finally promising that he would send reinforcements if Sheridan got into such a position that he needed help.

Sheridan's command was not sufficient to disconnect itself entirely from the Union army and pass around the Confederates. It might be surrounded and destroyed by Bragg's army if all communication was cut off between it and the main army. Sheridan, therefore, could not carry out his plan of hemming in the Confederates. So anxious was he for reinforcements that he ordered two of his regiments to commence firing in the air in order to lead General Granger to believe that a battle was in progress and that it was necessary to send reinforcements. General Granger heard the firing, but knew from the regularity with which the volleys were delivered that it was a sham battle and, therefore, sent no reinforcements, and Sheridan was obliged to give up the pursuit of Bragg's army.

After this brilliant achievement Sheridan asked and obtained the first leave of absence he had enjoyed since his service began in 1853. He went north for the purpose of recuperating his health, having been injured in an accident several months before. He rejoined his command in March, 1864, a few days after Grant was appointed to the command of the Army of the Potomac. General Grant immediately ordered Sheridan to report in Washington for duty in the Army of the Potomac.

On the way to Washington, Sheridan found out that Grant intended to place him in command of the cavalry of the Eastern army. When he arrived in the capital he presented himself to Edward M. Stanton, then Secretary of War. General Sheridan's appearance at that time would not lead any one to believe that he was a formidable warrior. He was but thirty-three years old and looked several years younger. Emaciated from illness and the hardships of the campaign, the little soldier who was but five feet five inches high, then weighed only one hundred and fifteen pounds and his quiet retiring manner and low soft voice would lead the ordinary observer to believe that he was anything else but one of the greatest soldiers of the world. Mr. Stanton, who had never seen him before, looked him over critically, but his manner did not indicate what his opinion was of the famous little general. He then conducted Sheridan to President Lincoln, whom Sheridan had never seen, and the two great characters, each the opposite of the other in personal appearance, the gigantic President and the diminutive General passed an hour or two in earnest conversation, the President, as usual, asking many questions.

The Army of the Potomac was lying north of the Rappahannock and its cavalry force numbered about twelve thousand men. Sheridan had not served in Virginia prior to this time, and the country as well as the rank and file of his cavalry was new to him. He immediately ordered a review of the whole command and scanned every man and horse narrowly. Nothing escaped him. The horses were in a very unsatisfactory condition from hard riding and over-work. It had been the practice in the Army of the Potomac to use cavalry for out-post duty almost solely, and as Sheridan thought

unnecessarily. Up to this time it was believed generally that cavalry was not an effective arm of the service in battle and could serve no other purpose than to follow the enemy in case of retreat and to do scouting and out-post duty. A grim question became familiar in the land, tending to reflect on the little danger that attended cavalry service in the army; they asked, "Who ever saw a dead cavalryman?"

General George G. Meade, the hero of Gettysburg, was the immediate superior of Sheridan. At this time a Confederate cavalry force, under General J. E. B. Stuart, was attached to General Lee's army. This cavalry kept the Union army constantly on the alert, cutting off its communications frequently and in many instances capturing or destroying its supplies. About the first of May, 1864, Grant's campaign began, in which he said: "I will fight it out on this line if it takes all summer." Lee was between him and Richmond, posted behind earth-works and flanked by Stuart's cavalry. Grant's plan was to attack Lee directly, and if not successful in carrying the earth-works to move around toward Richmond and compel Lee to change his position. In this flank movement of the Union army Sheridan was directed to move with his cavalry to protect the advance and locate the enemy. About this time he had an altercation with General Meade. "If you will let me, I will go and defeat General Stuart in a pitched battle," said Sheridan. "But we need your cavalry to protect the flanks of the Union army," said Meade, "and we cannot afford to run the risk of sending cavalry to fight a battle with the enemy's cavalry."

However, General Meade told Grant what the little chief of cavalry had said, and Grant, in his quiet, blunt

way, simply said, "If Sheridan thinks he can defeat Stuart, let him go and do it." Meade, therefore, reluctantly ordered Sheridan to pass around Lee's army and attack the Confederate cavalry. General Sheridan immediately assembled his officers and gave his orders for the march. The column pushed boldly out toward the west and past the left flank of the Confederates and rode completely around Lee's army. After some skirmishing the Confederate and Union cavalry came into pitched battle at the Yellow Tavern, between the main army of General Lee and Richmond. General Stuart, who was the soul of the Confederate cavalry, and one of the most dashing and brilliant leaders of the south, fell gallantly while resisting one of the terrible charges of Sheridan, and his men gave way and were thoroughly defeated. The loss of Stuart was one of the heaviest blows ever sustained by the Confederacy. General Lee mourned him as a brother. It is said that the noble General scarcely spoke to any one for several days and was in the deepest gloom over the loss of his great cavalry leader.

Sheridan then rode down between the Chickahominy River and Richmond, up to the very out-works of the Confederate capital, and here he was hemmed in on all sides by the enemy. The rallied forces of Stuart's cavalry occupied the left bank of the Chickahominy and a force from Richmond fell in across his rear. His escape from this perilous situation is one of the most brilliant exploits of American warfare. He constructed a bridge across the Chickahominy under fire and went over and defeated the enemy on the farther side. Then returning he dispersed all the Confederates in his rear and afterwards marched on to the James River where supplies were waiting for him. After a few days' rest his command returned and reported to General Grant,

having ridden completely around the Confederate army, defeated its cavalry force, destroyed all railroad communication with Lee's army and prepared the way for the advance of Grant's forces to Petersburg.

During the war the Confederates invaded the north three different times for the purpose of causing the Army of the Potomac to be withdrawn from its advance or attack on Richmond. The first of these invasions was in 1862, which culminated in the battle of Antietam. General Lee, with the flower of the Confederate army, marched into Pennsylvania in 1863, and the great battle of Gettysburg was fought, which caused Lee to retreat again to Virginia. Again, in 1864, a Confederate army, under General Early, was sent down the Shenandoah Valley to threaten Washington. This army crossed the Potomac, burned Chambersburg, Pennsylvania, and marched almost to the suburbs of the capital. General Sheridan was ordered to proceed to Washington to take command of all the forces which were re-organized into what was known as the Middle Military Division and to operate against General Early in the Shenandoah Valley. This beautiful valley is the garden spot of Virginia. It is traversed by the winding Shenandoah River and intersected by many tributary streams. At its widest part, where the Shenandoah empties into the Potomac, the valley is about twenty miles in width from the Alleghenies on the west, to North Mountain on the east, and grows narrower as it ascends the Shenandoah until at Fisher's Hill it narrows to nearly three miles in width. Then, as now, a macadamized road extended through the valley north and south, known as the Winchester Pike. This is the finest agricultural region east of the Alleghenies and furnished supplies to the Confederate army. The residents

of this district were deeply attached to their State, and, of course, were faithful to the Southern cause. This was the theater of war in 1862 when Stonewall Jackson, in one of the most scientific campaigns ever conducted, defeated and escaped from three different armies, each larger than his own; whose brilliant movements are even now a subject of study in European military schools.

A rolling landscape, covered here and there with groves and threaded by silver streams, beautified by magnificient country homes, and covered with the wealth of field and pasture, forms one of the grandest agricultural scenes in the world and as a theater of war it furnished abundant supplies to both armies and all the facilities for scientific military movements.

Early's army consisted of from 25,000 to 30,000 men, —the veterans of a hundred battles, and here in the midst of their friends and with abundance of supplies for men and horses, choosing their own ground and being thoroughly acquainted with every inch of the country, they presented to General Sheridan the most formidable front that he had so far in his military career encountered.

General Sheridan's army consisted mainly of New York, Pennsylvania, New England and Ohio troops that had seen service in nearly all the great battles and campaigns of the Army of the Potomac and were thoroughly experienced veterans with full confidence in their leader.

The difference in the two generals who commanded these forces was striking. Early was then a man of middle age, tall, heavy, and of commanding appearance, and, although he had never commanded in any great battles, he enjoyed the fullest confidence of General Lee;

serving under him were many of the bravest and best of the Confederate officers; Gordon, Kershaw, Pegram, Rosser and many others whose records add to the glory of American annals.

Under Sheridan was General Wright, who had recommended him two years before as "worth his weight in gold." Holding minor positions in the army were two men destined to be Presidents of the United States,—Rutherford B. Hayes and William McKinley. And in command of a brigade of cavalry was a tall slender young man with blonde hair, a genius and a hero, George A. Custer, who twelve years afterwards fell in the awful massacre at the Little Big Horn, fighting to the last man with a detachment of the Seventh Cavalry.

The Union army, under Sheridan, as then organized, consisted of the Sixth Corps commanded by Major General Horatio G. Wright; the Nineteenth Corps, under command of Major General William H. Emory; the Army of West Virginia, under Major General George Crook; and the Cavalry Corps, under the command of Brigadier General Alfred T. A. Torbert.

Early and Sheridan mutually respected each other as military leaders. It was believed at that time that it was the purpose of Early again to invade the north and attack Washington, and General Sheridan actually wished that the Confederate General would attempt another invasion, as he preferred to attack Early on the march in the defiles of the Maryland hills, rather than risk a pitched battle in the Shenandoah Valley, in the home of Early's friends. Although there was great clamoring at the north for Sheridan to attack Early, and a great dread that Early would attack Washington, Sheridan occupied a position to one side of the valley

instead of its center, as an inducement to General Early to cross the Potomac.

The Confederate army was encamped in a strong position near Winchester, in the lower part of the Shenandoah Valley. Early made several attempts to draw Sheridan into a general engagement in the beginning of the campaign, but circumstances were not favorable, and Sheridan dexterously avoided a collision on unfavorable ground. Then Sheridan maneuvered with great skill to drive Early into a general battle, but Early, with the same care, avoided the conflict, preferring to fight on ground of his own choosing. Finally General Sheridan, through a Quaker school-mistress at Winchester, who was enthusiastic for the Union, discovered that a division of the Confederate army had been ordered away to join General Lee, and, feeling sure that the Confederate army did not outnumber his own, decided to make an attack. Accordingly, on September 19th, 1864, on ground covered with ripened corn and over impediments of rocks, clumps of trees and rail fences, the Union army advanced against the Confederate lines two miles east of Winchester. The battle raged all day and resulted in a complete victory for Sheridan,—the Confederates retreating rapidly through Winchester toward the southern end of the valley and taking up a position on Fisher's Hill, extending along the crest of the elevated plateau where they threw up breast-works and prepared to resist another attack.

Sheridan, above all other generals, was determined not to make the mistake of failing to follow up the enemy after a victory, so common in military history. Therefore, without hesitating a moment he directed his whole force against the enemy at Fisher's Hill. The Confederates held a strong position on the crest of the plat-

eau with their left up against the wooded bluff on the west side of the valley and their front bristling with artillery. To make a direct attack in front of such a force would result in disaster and would be a useless sacrifice of human life. After Sheridan examined the position of the enemy he decided on his plan of attack at once. He ordered General Crook to move his division through the woods up as close to the enemy as possible during the night and to lie concealed in the woods all the next day. The next night General Crook's command was ordered to march up the bluff on the west side of the valley, and pass along through the woods on the mountain side until it passed beyond the Confederate line and to attack the Confederates in flank at dawn the next morning. Scarcely had the sun risen when the Union army burst from the woods and swept down on the Confederates before they could be formed in line to resist an attack from that direction, and nothing remained for the Southern forces but to retreat, and the moment the retreat began an attack was delivered in front, which resulted in the capture of nearly all the Confederate artillery.

After this battle the Confederate army was re-inforced and again took up a strong position, and the Union army went into camp at Cedar Creek, a tributary of the Shenandoah, and at Cedar Creek one of the most striking military events in the history of all the world was to take place about a month later.

The Union army was formed in echelon,—which to the un-military reader may be explained as a formation by divisions, one behind the other, over-lapping and presenting at the flank a resemblance to the steps of a stairs. The camp was on high ground flanked on the east by a branch of the Shenandoah, from which rose

a precipitous wooded bluff, and this stream wound around to the south of the camp and to the west. An attack was scarcely expected from the Confederate army, which had recently sustained two defeats, and if an attack was possible by the Confederates, it did not seem reasonable that it could be made from the east for the reason that there seemed to be no way in which an army could approach from that direction. The woods seemed to be impenetrable, the bluff was almost perpendicular, and there was not even a bridle path to be seen by which men or horses could approach. General John B. Gordon of Georgia, afterwards a United States Senator from that state, one of the noblest of American generals, and one of the few distinguished Confederate officers who rose from civil life to the rank of Major General without having had a military education, commanded a corps of Early's army. Off to the south was a range of hills known as the Massannutten Mountains which ended abruptly in a declivity known as Three Top Mountain, at a point about four miles south of the Union camp. From the top of this mountain General Gordon, with a field glass, searched every inch of the Union position. At a glance he saw where the Union headquarters were located in the Belle Grove house, observing the officers come and go; and the strength and position of the outposts by which the camp was guarded did not escape the keen eye of the great Georgian.

Sheridan was absent in Washington, having been called into consultation by the Secretary of War, but the Confederates were not aware of his absence. General Gordon formed the bold plan of leading his army down through the almost impenetrable woods that skirted the mountain and forming his line of battle at the base of the hill on which the Union camp was located.

In an interview at Gettysburg, many years afterward, describing the thrilling exploit of the Confederate army, he said:

"Yes, the plan was mine, wholly, and so was the conduct of the fight up to a certain point. If my plan had been carried out there would never have been any 'Sheridan's Ride.'

"We felt the vast importance of success and we started in to win it. We had good men, and, in most respects, we were well organized and equipped. In the Shenandoah Valley we were among as good friends as the Southern cause could boast.

"We swept down the valley and whipped Lew Wallace on the Monocacy, and were only a little too late for capturing Washington, while a great career seemed opened to our army. We could not quite get the Federal capitol. As we moved off from Washington two splendid corps were immediately put under Sheridan. We had a great deal of confidence in ourselves, with a clear field, and the army was in good spirits. Across the Potomac we stopped to rest and to gather forage and food. We also did recruiting. Sheridan attacked us at Winchester and we were routed. It was the first battle we lost in the valley. Indeed, before that we had not even had a check of any kind, having been enabled to live off the country, and even to forward supplies to Richmond.

"When Sheridan came up in the valley our troops were very much scattered. This, of course, because it was more convenient to feed them in that way, and we had not gotten well in line when we were plunged into the midst of battle. The Federal assault was confident and impetuous, especially that of the Nineteenth Corps, and we were in no condition to resist it. One

division after another broke, and when the sun went down on the evening of the 19th of September the Federal victory was complete. We had been beaten in detail. The attack was too sudden to enable us to consolidate our forces and use them to the best advantage, and we were shattered and demoralized.

"Dejected and broken, we moved up the valley to Fisher's Hill, where we had a very strong position. There we stopped and recruited, and tried to repair the damage which had been done. Our soldiers were very much disheartened, however. The transformation from a hopeful and advancing army to a beaten and retreating one was too great. Three days later we were attacked in our position and again defeated.

"For nearly a month there was a respite, and then came Cedar Creek. For the time being we won one of the greatest victories of the war. Every detail of the movement was carefully planned, and for twelve hours it was supremely successful. I had gone the day before, October 18th, to the top of what is called Massannutten Mountain, where we had a signal corps stationed, and had taken observation through the field-glasses. There was a magnificent bird's-eye view. The Shenandoah was the silver bar between us. On the opposite side of the river I could distinctly see the red cuffs of the artillerists. Why, I had so good a view that I could see the sore spots on the horses backs in your camp. In front of Belle Grove mansion I could see members of Sheridan's staff coming and going. I could not imagine a better opportunity for making out an enemy's position and strength. I could even count the men who were there. The camp was splendidly exposed to me. I marked the position of the guns, and

the pickets walking to and fro, and observed where the cavalry was placed.

"It flashed upon me instantly that the expectation of General Sheridan was that we would attack him on his right, which was the only place supposed possible for the advance of any army. His left was protected by the Shenandoah; at this point the mountain was very precipitous, and the river ran around it. There was no road at all, and the point was guarded only by a mere cavalry picket.

"I saw our opportunity in an instant, and I told the officers present that if General Early would permit me to move my corps (I was then commanding Ewell's corps), down to this point, I could get around the mountain. Both sides believed this was impossible, but I felt sure that it could be done. My plan was to dismount our cavalry, attack Sheridan's cavalry when dismounted, and keep them from moving. I knew that if we could do this we would gain a great victory.

"None of my brother officers had at first much confidence in the plan. When I was on Massanutten, the members of General Early's staff who were with me were utterly incredulous. I told them that if I was allowed to carry out my plan we could annihilate Sheridan's army and drive him pell-mell out of the valley, and raise the spirits of our people beyond measure."

In explaining the details General Gordon says: "There was a back road running from our position on Fisher's Hill to the Federal right, where the cavalry was posted. I expected to deceive the Federals by Lomax's attack. It would be dark still, and they could not distinguish our dismounted cavalry from infantry, and would believe that main attack was there on their right. This would leave us free to operate around their left.

"General Early acted promptly after he understood the project. The plan was submitted, talked over, and finally substantially agreed upon. I took my command, having ordered them to leave their canteens, sabres, and everything that could make a noise behind. I knew that our only dependence was in absolute secrecy, and in a complete surprise. After inspecting things with my staff I found that I could get my men around the mountain by putting them in single file. I discovered still another place where the horses could be led, although the venture would be exceedingly dangerous. Still, the expedition was essentially one of great peril, and more or less danger was of little consequence.

"Sharp men often leave a loop-hole; and as Sheridan, or Wright, of the Sixth corps, who was in actual command, had never through their scouts discovered this narrow country road, or did not deem it possible to move an army by it, we were left to complete our surprise unmolested. The event was taking things as they were, not only possible but actual, and we did what none of your people for a moment dreamed of as possible. Early in the night I began to move my men around the mountain. My object was to have them already for an attack before daylight in the morning. The movement took all night. All through the hours of darkness the silent figures moved to their position near the sleeping enemy. An entire brigade of cavalry was moved in this way, and reached the point in about one and a half hours in advance of the men. I instructed the cavalry that as soon as I got ready to move they were to proceed in my front, rush across the river, open on the cavalry pickets, and capture them if possible. If they could not do this, they were to put their horses to full speed, ride right through the Federal camp, firing their pistols to the

right and to the left as they passed through, and make directly for Sheridan's headquarters and capture him.

"At that time I did not know that Sheridan was absent and Wright in command. I had selected his house from the flags which floated from it and the couriers who were constantly going in and out. My orders were: 'Go right through the Federal camp with your command before daylight and directly to General Sheridan's headquarters and capture him;' I told them not to try to take any prisoners, not to mind anything, but every mounted man was to press straight towards Belle Grove. We, with the infantry, would take care of what was behind. I knew very well that the little fighting or capturing they could do would be of little account compared with the prize they were expected to get. In order to guard against a premature onset at some point, we compared watches and arranged the time of attack. In fact, the actual demonstration was made in full accordance with my plan of action.

"My signal was obeyed exactly. On the morning of the 19th, just about daylight, we fired three or four shots. Away the Federal pickets went, with our cavalry brigade after them. I rushed across, wading the river with my whole corps of infantry. We went with a rush and double-quick. Before starting I had selected the house on the road at which the head of my column should stop. It was a white house at the turn of the road, farther down toward the river, and was on the flank of the enemy's line. As soon as I got there I was in a position and I had nothing to do but to close up in front and move."

General Gordon described the Confederate attack and defeat of the Union army. There are many battles recorded in history where an army lost the day by stop-

ping to plunder the enemy's camp, and it is often said that the Confederates became disorganized while looting the tents of the Union army. General Gordon denies this.

"You know Early says that the final defeat was caused by the demoralization of his own men in plundering the Federal camp and in gorging on sutlers' supplies there captured. There isn't a word of truth in it. There never was less straggling or plundering among any troops than there was in our army that morning. I had them well in hand, and had issued the strict orders that any soldier falling out for plunder should be shot instantly.

"That whole statement is false. The real trouble was here. I was making every effort to get a mass of artillery in position when General Early rode up. He was wild with joy. I exclaimed: 'General Early, give me thirty pieces of artillery right here and we will destroy that army and send its fragments over the Potomac.' I knew that the supreme moment had come.

"No, no," he said, "we've won a great victory; we've done enough for one day; we will stop here.

"But," I said, "let us finish the job. It is true we have won a great victory; let us complete it. We can do it in an hour, and so destroy that army that it will never show its head in the valley again."

"But General Early said no; that the men had seen fighting enough, and that we had won glory enough for one day.

"Very well, sir," I replied; "then I will return to my command."

"Until then I had had charge of the entire movement on the right. I did return to my corps, and Early carried on the battle. We followed up the Federals as they

retreated. Our men were too much elated with their victory.

As to Earley's own conduct on the field, General Gordon permitted himself to say nothing. He describes vividly how the battle changed.

"Everybody knows about how Sheridan reached the field in the nick of time, and how he came thundering down from Winchester."

"He found his men scattered along the road in terror-stricken confusion, and he compelled them to turn about and follow him. He was a fury on horseback, dashing here and there among the flying soldiers and beating them back to the field of death which they had quitted. Meanwhile, the men who were retreating from the front had been brought to some sort of order. Then followed one of the most extraordinary reversals in the history of any war. As soon as Sheridan reached the field he reformed his line and practiced upon us precisely the same movement which had demoralized his own forces in the morning. He just moved around our flank, swept down it, and whipped us out of existence. He broke our line all to fragments, and routed the whole army most absolutely. It was as thorough a defeat as I ever saw. The day had dawned upon victory and exultation. It closed upon utter disaster and dejection. Two distinct battles had been fought, and in the last we lost all that we had gained in the first one, and all that we had before. The reaction was dramatic in its suddenness and completeness, and when we left the field that evening the Confederacy had retired from the Shenandoah. It was our last real fight in the valley." 1.

Nothing in the whole war was more terrible than the onslaught of the Confederate army in early dawn of

1—Boston Herald, August 19th, 1888.

October 19th, 1864. The Confederates had been reinforced and the Union army was not only confronted by their former adversaries in the valley, but by the reinforcements of veterans that had scarcely ever known defeat in battle. The Union army taken in flank and practically surrounded in its camp was thrown into confusion, driven from its position, and almost disorganized.

If the Federals had been recruits or inexperienced troops, such as had fought at the first Bull Run, the day would have ended in disaster to the Union cause. But the Sixth and Nineteenth corps and the Army of West Virginia had grown accustomed to victory under Sheridan. They had taken part in many of the great battles and were not easily panic-stricken. Many of the men, however, retreated down the pike as far as Winchester, but the great mass of the Union army, when the immediate confusion was over, stood its ground. Many of the organizations were so cut up that men could not find their companies or regiments, but it seemed as if each man took the defeat to heart, and all were ready to return to the fight at the first opportunity.

Sheridan slept at Winchester the night before the battle. In the morning about six o'clock his aide came to his bedside and told him that he had heard heavy firing up the river. The General first believed that it resulted from a reconnaissance that he expected would be made during his absence, and gave the matter but little thought. The distant sounds multiplied and deepened in volume and Sheridan began to believe that a real battle was in progress. He immediately mounted his famous charger, "Rienzi," now called "Winchester," after his latest victory, and started out, at first leisurely, in the direction of Cedar Creek. Bending his head low

over the saddle bow and listening intently to the cannonading and again hearing sounds that seemed "nearer, clearer, deadlier than before" it was his judgment that a great battle was in progress and that the Union army, which was between him and the Confederates, was retreating toward him.

Then began Sheridan's celebrated ride that will be identified with the name of the great General forever. Giving rein to his black charger Sheridan dashed along the Winchester Pike at full speed. He had not proceeded far when he met groups of fugitives giving doleful accounts of the defeat of the early morning. He immediately directed an officer to go back to Winchester and order out all the forces there to be spread across the valley to stop the fugitives and prevent them from retreating farther. So packed was the road with wagons, artillery and retreating infantry that the General was obliged to ride a part of the distance through the fields to get to the front. Every group that he met cheered wildly, turned about, and faced the other way. "This would never happened if I had been here; come back. Let us go and recover our camp," he shouted. "Let us go back."

It has often been said of Sheridan that his orders were never "go on" but "come on," and he never in his whole career exemplified the truth of this so much as at Cedar Creek. He reached the front at half past ten. The Federals had been driven from one position to another, and were slowly retreating, attempting to hold their ground from hill to hill, being pushed back by the overwhelming and perfectly organized mass of Confederates. Quick as thought Sheridan comprehended the whole scene. To encourage the men he galloped back and forth between the two firing lines

when the woods were singing with minie balls, to let his whole army know that he was present. In his memoirs he speaks of the imposing salute of battle flags that he received, when the regiments came up out of a ravine into which the army had been crowded. The flags were advanced to a line that he had designated, and the men took their places as regularly and coolly as if they were on parade. He formed the very same plan and pursued the very same tactics that had been practiced upon his army in the early morning by General Gordon. By a magnificent swinging movement of his whole army to the right he took the enemy in flank and the Confederates were completely swept from the field. The victory of the evening was even more complete than the disaster of the morning.

Other battles in the history of the world were won when it seemed as though all was about to be lost. Marengo, the most resonant name in French history, might have been an Austrian victory had not Marshal Desaix come upon the field to the assistance of Napoleon at the very moment when the French were about to be routed. Fontenoy would have been lost had not the Brigade of Exiles, held in reserve, "fresh, vehement and true," been thrown into the action at the opportune moment. The British squares at Waterloo might have been annihilated where they stood with such resolution and manhood, had not a German army attacked Napoleon in the evening. But nowhere in the history of the world has a routed and defeated army ever returned to the field on the day of its defeat and in turn become the victor, on the same day, and without reinforcements, except at Cedar Creek on October 19th, 1864, under the leadership of Philip Henry Sheridan.

James E. Murdock, a great actor and elocutionist,

who had lost a son in the army, came to Cincinnati shortly after the battle of Cedar Creek. He was a brother-in-law of T. Buchanan Read, the poet, and made his home with Mr. Read during his visit. The ladies of Cincinnati had arranged to give Mr. Murdock a reception. He had been giving readings to raise money for the "Soldiers' Aid Society," and the ladies of Cincinnati had decided to present him with a silk flag and made arrangements to have the reception in Pike's Opera house. Read and Murdock were talking over the battle on the morning before the reception and were also discussing what would be appropriate for Mr. Murdock to render as a choice reading. Mr. Read happened to see a copy of a paper containing a fine picture of Sheridan's ride. He immediately thought of writing a poem on the subject. There had been several poems of this nature, "Paul Revere's Ride," "Lochinvar," and Tom Hood's "Wild Steed of the Plains," and therefore the poet hesitated about adding another description of a dashing ride to the literature of the world. But he was prevailed upon by Mr. Murdock to write a poem, and immediately went to work and before evening produced his "Sheridan's Ride." At this day we can scarcely appreciate the enthusiasm aroused by the verses.

When Mr. Murdock, who was a great artist, recited the poem from the stage, the audience went wild with enthusiasm. Shortly afterwards the poet attended a birthday party in honor of William Cullen Bryant, where he again recited his lines on Sheridan. The author of Thanatopis was delighted, and shaking Mr. Read's hand warmly, he said, "That poem will live as long as "Lochinvar."

General Sheridan's modest official report of his great

achievement written to General Grant on the night after the battle, tells the story briefly and accurately, and in this, as well as in all his reports, he did not fail to attribute his success to the courage and devotion of the officers and men who served under him.

"CEDAR CREEK, VA., Oct. 19, 1864, 10 p. m.

Lieutenant-General U. S. Grant, Commanding Armies of the United States.

I have the honor to report that my army at Cedar Creek was attacked this morning before daylight and my left was truned and driven in confusion; in fact, most of the line was driven in confusion, with the loss of twenty pieces of artillery. I hastened from Winchester, where I was on my return from Washington, and joined the army between Middletown and Newtown, having been driven back about four miles. I here took the affair in hand and quickly united the corps, formed a compact line of battle just in time to repulse an attack of the enemy's which was handsomely done at about 1 p. m. At 3 p. m., after some changes of the cavalry from the left to the right flank, I attacked with great vigor, driving and routing the enemy, capturing according to last reports forty-three pieces of artillery and very many prisoners. I do not yet know the number of my casualties or the losses of the enemy. Wagon trains, ambulances and caissons, in large numbers are in our possession. They also burned some of their trains. General Ramseur is a prisoner in our hands, severely, and perhaps mortally wounded. I have to regret the loss of General Bidwell, killed, and Generals Wright, Grover and Ricketts, wounded, Wright slightly wounded. Affairs at times looked badly, but by the gallantry of our brave officers and men disaster has been converted into a splendid

victory. Darkness again interfered to shut off greater results." 1.

After the terrible defeat of Cedar Creek the remnants of Early's army were sent "whirling up the valley." The great majority of the soldiers dispersed to their homes, which were not far distant.

After spending the winter practically without any events of importance taking place, Sheridan took up his march in the early spring for Petersburg to join General Grant in the final campaign against Richmond. He met with little or no opposition from the Confederates on the march, but it rained constantly and the infantry marched in mud to their knees while the cavalry horses were mired by thousands in the bottomless roads. He arrived at Petersburg on the 18th of March and reported to General Grant.

The situation of General Lee and the Confederate army in Richmond at this time had become desperate. For four years that gallant army with unshaken devotion and sublime heroism had done battle against great odds and had covered itself with glory. But human endurance has its limit, and when it was confronted by the combined armies of Grant and Sheridan nothing remained for the Confederates but a retreat.

A line of retreat remained open toward the west and south, and it seemed possible to General Lee that he might escape with his army into North Carolina and join General Johnston. On April 3rd, 1865, General Lee, with his army, evacuated Richmond, and his starving troops began their melancholy march toward the Southwest.

General Sheridan was ordered to pass around to the

1—Official Records Union and Confederate Armies, Vol. 43, p. 410.

front of General Lee's column and prevent his escape. In this final campaign it seemed as though every thought of General Grant was anticipated by Sheridan. Wherever the Confederates advanced they saw cavalry in their front and when they made preparations to attack the cavalry, the screen was drawn aside and they found themselves face to face with solid masses of Union infantry. Two battles were fought—one at Five Forks and one at Saylor's Creek, in which a great part of the Confederate artillery was captured. The supplies that General Lee expected from the south were taken by Sheridan's cavalry and destroyed. Finally, on the 8th of April, all avenues of escape were cut off and the Confederate general opened negotiations with General Grant looking toward a surrender. And the next day, that most dramatic scene in American history, filled with pathos for the proud people of the South whose splendid army and magnificent leader were compelled to surrender, was enacted at the house of Wilbur McLean at Appomattox, and the war was over.

On the afternoon of the 9th General Grant rode over to Appomattox and met General Sheridan in the road near the McLean house and inquired where he might find General Lee. Sheridan pointed out the residence where the Confederate general was making his temporary headquarters and Grant immediately rode over, dismounted and walked into the house. Having consideration for the feelings of General Lee, Grant's staff, including General Sheridan, remained in the front yard. In a few minutes Grant sent a request for them to come in and there in the front room of the McLean house occurred the last scene in the great drama of the Civil War.

It took but a little while to arrange the easy terms

of the surrender, by which the Confederate soldiers were to return to their homes and to take their horses with them, for, as Grant said, "they would need them to work on their farms."

Sheridan immediately returned to Washington. He was at once ordered by General Grant to proceed to Texas and take command of all the troops west of the Mississippi. The grand review of the armies of Grant, Sheridan and Sherman was to take place on the 23d and 24th of May, 1865, and Sheridan had a great desire to march at the head of his command on that occasion, but the order of General Grant was imperative and Sheridan, with a heavy heart, departed for Texas, knowing that he would never see his army assembled together again.

At this time Maximilian, with a French army, occupied Mexico, contrary to the Monroe Doctrine, and the Mexicans were attempting to throw off the foreign yoke. The policy of the United States was hostile to Maximilian and assistance had been promised to the Mexicans. Sheridan had to exercise the greatest diplomacy in satisfying the demands of the Mexican patriots who were clamoring for the aid of the United States. He directed a large part of the army to march to the Mexican frontier as if it were his intention to invade Mexico. This demonstration had a large share in causing the withdrawal of the French army and the re-establishment of home rule in Mexico.

In 1869, when General Grant became President of the United States, Sheridan was promoted to the rank of Lieutenant-General. There were events enough even in his career as a soldier after the war was over to fill a book, but since they are overshadowed by his

great achievements in the field they may be omitted in this short sketch of his life.

In the summer of 1870 he went to Germany to observe the Franco-Prussian war. He was received by King William, Prince Bismark, and General Von Moltke with the greatest courtesy and treated with the dignity becoming his rank as Lieutenant-General of the United States Army.

He was present at the great battle of Gravelotte. While the battle was in progress he stood in the company of the King and General Von Moltke at headquarters and noticed (what escaped their observation), that the French were making a movement by the left flank and were preparing to open several batteries on their position. Now, under ordinary circumstances a visiting General does not give any suggestions, but he remarked to one of the staff that it would not be long before the position in which they were standing would be under fire. The suggestion was acted upon and the headquarters accordingly changed. In a few minutes the place where they had been standing was torn with shot from the French batteries, justifying the accurate observation of Sheridan.

On returning alone from the battlefield he was mistaken for a French officer by a group of German soldiers, who leveled their pieces at him, and, he being unable to speak German, the situation was very critical for a moment, until a German officer came forward, who could speak French, and after a long explanation he convinced them he was not French, but a visiting American. That night he slept in an old house in the same room with Bismarck. His carriage had been pressed into the service to carry wounded officers and the situation was such that the party had scarcely any-

thing to eat. Some bread was finally procured and an informal breakfast was enjoyed in the company of the great German Chancellor. Sheridan was present at the surrender of Sedan, where 100,000 French soldiers were taken prisoners by the German army—the greatest military achievement of German history—and he afterwards accompanied the German army in its march to Paris.

In his memoirs he expresses all but his disgust at the mistakes of the French in that great struggle, and attributes the success of the German army partly to the perfectly macadamized French roads on which their movements were not impeded by weather conditions and observes that if European armies had to march over the bottomless American roads in wet weather, history might be written differently.

A few months after he returned home he was called to take command of the troops in Chicago during the great fire, and no one can ever estimate the extent of life and property that was saved by his efforts during the conflagration.

Of the three great Commanders of the Civil War, Sheridan was pre-eminently a soldier by profession. He disdained all other ambitions, and from the day he entered West Point until the day of his death he remained in the military service of the United States without a thought of taking advantage of the prestige of his record for political advancement. He took no part in the politics of the nation and the machinations of politicians were extremely distasteful to him. When a number of his admirers asked him to become a candidate for President of the United States he jokingly said: "No man could make me a present of that office. The place-hunters and and officeseekers would kill me

in thirty days. I could not stand it. I never had any use for politics."

Like nearly all the great soldiers of the Civil war, he came from the bosom of the common people. The experience of his early boyhood when rough work was carried forward by large bodies of men under the direction of his father was of immense advantage to him.

He was the very opposite of General Grant. Grant was cool, calculating and far-seeing, forming his plans silently, giving his orders deliberately, and relying on his able generals to carry them out. Sheridan was the personification of force and action. He formed his plans beforehand as well as other generals, but modified them according to circumstances instantly while in battle. He was personally in the fore-front of every battle in which his command was engaged, and personally directed nearly every movement of the different parts of his army. The quality that above all others distinguished him was that he had the power of imparting his own enthusiasm to every man and officer serving under him. He never asked a man to go where he did not himself dare go.

Of pure Celtic blood, he was not distinguished for patience nor for perfecting any intricate or long-drawn-out plan that required a long time to form or to execute. He despised councils of war and never willingly took part in one. His order of battle was formed swift as the wrath of the summer storm. There was no delay, no hesitation, no argument—the moment he saw the enemy and his position he was ready for action. His men all knew him personally, all relied upon him, and all took part in his enthusiasm. He always presented himself in their front, spoke personally to each organization, telling the men just what he was going

to do and when and how he was going to do it. There was not a private soldier that did not know the object of the movement when it once began, and scarcely one who was not willing to carry out the plan at the most imminent risk of his life. In his actual personal influence over his men he was perhaps the first general in any age.

In June, 1888, when he was stricken with mortal illness, Congress, by a special act, raised him to the rank of General of the Army of the United States. This rank had never been conferred except on Grant and Sherman prior to this time, and no officer has since been given this honor.

The year before he had built a summer cottage at Nonquitt, Mass., looking out on Buzzard's Bay. He had long been suffering from an affection of the heart, of which the public was not aware, and which was perhaps brought on by the hard riding and activity of the Civil War. To this cottage at Nonquitt he was brought in the summer of 1888 in search of health, and there on Sunday night, August 5th, 1888, after the brief New England twilight had faded on the summer sea, the spirit of the great soldier went forth.

His early death caused a sensation throughout the United States. Resolutions appropriate to the occasion were passed by Congress and immediate preparations were made for a funeral with military honors befitting so famous a soldier, and on August 11th, 1888, at the Church of St. Matthew in Washington the obsequies of General Sheridan were performed in accordance with the rites of the Catholic Church and in the presence of an august assembly, including the famous soldiers and statesmen, and many of the distinguished Catholic

clergy of America of that day. Cardinal Gibbons preached the funeral sermon of General Sheridan.

All of the Cardinal's sermon cannot be included here. It abounded in passages of splendid eloquence, rising at times to the heights of the great eulogy pronounced by Bossuet on the Prince of Conde. The Cardinal said, in part:

"The death of General Sheridan will be lamented not only by the North, but also by the South. I know the Southern people; I know their chivalry; I know their magnanimity, their warm and affectionate nature; and I am sure that the sons of the South, and especially those who fought in the late war, will join in the national lamentation and will lay a garland of mourning on the bier of the great general. They recognize the fact that the Nation's general is dead, and that his death is the Nation's loss.

"And this universal sympathy, coming from all sections of the country, irrespective of party lines, is easily accounted for when we consider that under an overruling Providence the war in which General Sheridan took such a conspicuous part has resulted in increased blessings to every state of our common country.

> " 'There's a divinity that shapes our ends,
> Rough-hew them how we will.'

"And this is true of nations, as well as of individuals.

"What constitutes the great difference between the wars of antiquity and our recent war? The war of the olden time was followed by subjugation and bondage; in the train of our great struggle came reconciliation and freedom. Alexander the Great waded through the blood of his fellow-men. By the sword he conquered, and by the sword he kept the vanquished in bondage. Scarcely was he cold in death when his vassals shook off

the yoke and his empire was dismembered into fragments.

"The effect of the late war has been to weld together the Nation still more closely into one cohesive body. It has removed once for all, slavery, the great apple of discord; it has broken down the wall of separation which divided section from section, and exhibits us more strikingly as one nation, one family, with the same aims and the same aspirations. The humanity exhibited in our late struggle contrasted with the cruelties exercised toward the vanquished of former times, is an eloquent tribute to the blessings of Christian civilization.

"In surveying the life of General Sheridan it seems to me that these were his prominent features and the salient points in his character: undaunted heroism, combined with gentleness of disposition; strong as a lion in war, gentle as a child in peace; bold, daring, fearless, undaunted, unhesitating, his courage rising with the danger; ever fertile in resources, ever prompt in execution, his rapid movements never impelled by a blind impulse, but ever prompted by a calculating mind.

"I have neither the time nor the ability to dwell upon his military career from the time he left West Point till the close of the war. Let me select one incident which reveals to us his quickness of conception and readiness of execution. I refer to his famous ride in the Valley of Virginia. As he is advancing along the road he sees his routed army rushing pell-mell toward him. Quick as thought—by the glance of his eye, by the power of his word, by the strength of his will—he hurls back that living stream on the enemy and snatches victory from the jaws of defeat. How bold in war, how gentle in peace. On some few occasions in Washington I had the pleasure of meeting General Sheridan

socially in private circles. I was forcibly struck by his gentle disposition, his amiable manner, his unassuming deportment, his eye beaming with good nature, and his voice scarcely raised above a whisper. I said to myself, "Is this bashful man and retiring citizen the great General of the American Army? Is this the hero of so many battles?'

"It is true General Sheridan has been charged with being sometimes unnecessarily severe toward the enemy. My conversation with him strongly impressed me with the groundlessness of a charge which could in nowise be reconciled with the abhorrence which he expressed for the atrocities of war, with his natural aversion to bloodshed, and with the hope he uttered that he would never again be obliged to draw his sword against an enemy. I am persuaded that the sentiments of humanity ever found a congenial home, a secure lodgment, in the breast of General Sheridan. Those who are best acquainted with his military career unite in saying that he never needlessly sacrificed human life, and that he loved and cared for his soldiers as a father loves and cares for his children.

"But we must not forget that if the departed hero was a soldier, he was, too, a citizen, and if we wish to know how a man stands as a citizen we must ask ourselves how he stands as a son, a husband, and a father. The parent is the source of the family; the family is the source of the Nation. Social life is the reflex of the family life. The stream does not rise above its source. Those who were admitted into the inner circle of General Sheridan's home, need not to be told that it was a peaceful and happy one. He was a fond husband and an affectionate father, lovingly devoted to his wife and children. I hope I am not trespassing upon

the sacred privacy of domestic life, when I state that the General's sickness was accelerated, if not aggravated, by a fatiguing journey which he made in order to be home in time to assist at a domestic celebration in which one of his children was the central figure.

"Above all, General Sheridan was a Christian. He died fortified by the consolation of religion, having his trust in the saving mercies of our Redeemer, and a humble hope in a blessed immortality.

"What is life without the hope of immortality? What is life that is bounded by the horizon of the tomb? It is not worth living. What is the life even of the patriarchs but like the mist which is dispelled by the morning sun? What would it profit this illustrious hero to go down to his honored grave covered with earthly glory, if he had no hope in the eternal glory to come? It is the hope of eternal life that constitutes at once our dignity and our moral responsibility.

"God has planted in the human breast an irresistible desire for immortality. It is born with us, and lives and moves with us. It inspires our best and holiest actions. Now, God would not have given us this desire if He did not intend that it should be fully satisfied. He would not have given us this thirst for infinite happiness if He had not intended to assuage it. He never created anything in vain.

"Thanks to God, this universal yearning of the human heart is sanctioned and vindicated by the voice of revelation.

"The inspired Word of God not only proclaims the immortality of the soul, but also the future resurrection of the body. 'I know,' says the prophet Job, 'that my Redeemer liveth, and that on the last day I shall rise out of the earth and in my flesh I shall see my God.'

'Wonder not at this,' says our Savior, 'for the hour cometh when all that are in their graves shall hear the voice of the Son of Man, and they who have done well shall come forth to the resurrection of life, and they who have done ill to the resurrection of judgment.' And the apostle writes these comforting words to the Thessalonians: 'I would not have you ignorant, brethren, concerning those that are asleep, that ye be not sorrowful like those who have no hope; for if we believe that Jesus died and rose again, even so those who have died in Jesus, God will raise unto himself. Therefore comfort yourself with these words.'

"These are the words of comfort I would address to you, madam, faithful consort of the illustrious dead. This is the olive branch of peace and hope I would bring you to-day. This is the silver lining of the cloud that hangs over you. We follow you in spirit and with sympathizing hearts as you knelt in prayer at the bedside of your dying husband. May the God of all consolation comfort you in this hour of sorrow. May the soul of your husband be this day in peace and his abode in Zion. May his memory be ever enshrined in the hearts of his countrymen, and may our beloved country, which he has loved and served so well, ever be among the foremost nations of the earth, and favored land of constitutional freedom, strong in the loyalty of its patriotic citizens and in the genius and valor of its soldiers till time shall be no more.

"Comrades and companions of the illustrious dead, take hence your great leader, bear him to his last resting place, carry him gently, lovingly; and though you may not hope to attain his exalted rank you will strive at least to emulate him by the integrity of your private

life, by you devotion to your country, and by upholding the honor of your military profession." 1.

When the services were over the casket was placed on a caisson instead of a hearse, for the funeral, like the life of Sheridan, was that of a soldier. And leading the General's horse behind the caisson with an empty saddle, in accordance with an ancient military custom, the march was taken up for Arlington Heights. And there, overlooking the Potomac, General Sheridan was laid to rest among sixteen thousand of his comrades in the National Cemetery. He sleeps among the hills of Virginia where his mighty memory will linger through the centuries as one of the greatest of all the great soldiers that ever trod upon her soil.

1—Life of Sheridan, Burr & Hinton, p. 410.

CHAPTER VI.

WILLIAM STARKE ROSECRANS.

His Boyhood on the Farm—Appointed to the Military Academy—Answers the First Call for Volunteers—His Rapid Promotion—Battles in West Virginia—In Command of a Division of Grant's Army—Inka and Corinth Stone River and Chickamauga—Suffers for the Mistakes of Others—Private Life—Appointed Minister to Mexico—Congressman from California—His Death.

Major General William Starke Rosecrans, who commanded the Union forces in the battles of Rich Mountain, Carnifex Ferry, Iuka, Corinth, Stone river and Chickamauga, was born at Kingston, Ohio, September 6th, 1819. His early life was spent on a farm. In those days there were few avenues open to a farm boy; the great industries of the country had not been developed and opportunities for advancement were rare. Farming was laborious and difficult; none of the new inventions had appeared, and the life of a farm boy admitted of but very little leisure. Young William availed himself of the opportunities for acquiring an education, that were indeed limited in that day, and so proficient had he become in his studies that the attention of the Congressman representing his district was called to the studius, thoughtful young man, and at the age of 19 Rosecrans received an appointment to the National Military Academy. He graduated from that institution in 1842, standing fifth in his class and, being among the highest, was given his choice as to which branch of service he should enter. Having a rare talent for mathematics

and engineering, he chose to serve in the corps of engineers where he would have the opportunity to exercise his capacity, and was appointed a Second Lieutenant in the engineer's corps.

The fortifications at Hampton Roads were then in course of construction, and Lieutenant Rosecrans served a year as assistant engineer under Colonel De Russey at Fortress Monroe.

Such was his talent for mathematics and natural philosophy that he was not forgotten at West Point, and after serving in the engineer corps for a year he was requested to become an instructor at the Military Academy, and for the next four years he was assistant professor, first of natural and experimental philosophy, and then of engineering at West Point. He discharged his duties as a professor with the dignity that characterized his whole life, and the work of instruction was very much to his taste, but his health began to fail on account of the confinement of the class room, and he therefore applied for assignment to active service and was again assigned to duty in the engineer corps.

He continued with the army until 1854, when he resigned with the rank of First Lieutenant, and entered private life. He then opened an office in Cincinnati and engaged in business as an architect and civil engineer.

At that time the coal mines of Western Virginia began to be developed, and he became deeply interested in coal mining and in the construction of canals and means of transportation, and was president of several companies engaged in those enterprises.

When the Civil War began, like Grant and Sherman, he was in private life, and if there had been no struggle between the States he might have passed through life

as a quiet, unassuming business man, deeply engrossed in the avocations of peace.

When President Lincoln issued a call for volunteers in 1861, such men were in demand as officers, and Rosecrans was immediately appointed by the Governor of Ohio as Colonel of the Twenty-third Ohio Volunteer Infantry. He arrived at Camp Chase at Columbus to take command of his regiment on May 13th, 1861, and three days later was appointed by the President a Brigadier General in the regular army, a distinction, perhaps not achieved by any other officer in so short a time. He had a reputation throughout the army as an educated soldier, and a conscientious, painstaking officer, and perhaps he was the first man who had resigned as a first lieutenant to be reappointed as a brigadier general. There is, of course, a distinction between officers of volunteer organizations and in the regular service. In the days of the Civil war promotion was rapid in the volunteers, but in the regular service it was made to depend upon the experience and distinction of the officer. Service in the volunteers is temporary, but an appointment in the regular army is for life.

Events came swiftly in those stirring days, and General Rosecrans was in the army but a few weeks until he was put in command of a brigade in the field under General McClellan, and was directed to operate against the Confederates in what is now called West Virginia—that state being a part of Virginia at the outbreak of the war.

If so many brilliant campaigns of the greatest magnitude had not been conducted afterwards in the War between the States, the campign of Rosecrans in West Virginia would be regarded as one of the great military

GENERAL WILLIAM STARKE ROSECRANS.
From a photograph taken in 1886.

General Rosecrans at once acquired a reputation as a strategist. The General continued his operations in West Virginia without another battle until September, when both armies again confronted each other near Carnifex Ferry, on the Gauley river in West Virginia, where a severe battle was fought September 10th. The Confederates under General Floyd were posted in a deep woods, and the Union attack was again directed against their flank with the same strategy and success as at Rich Mountain.

The great skill of General Rosecrans lay in his capacity to attack the enemy in an unsuspected quarter, and so to dispose his forces as to lead the enemy to overestimate them. The Confederates were defeated at Carnifex Ferry and abandoned the Kanawha Valley, and the Union army occupied and kept possession of West Virginia throughout the remainder of the war.

This victory of Rosecrans, coming as it did after the defeat at Bull Run, was of the greatest importance to the National cause. The campaign in West Virginia resulted in saving that particular state to the Union.

In the early part of 1862, General Rosecrans was placed in command of the right wing of the Army of the Mississippi under General Grant.

After the battle of Shiloh the Confederates evacuated Corinth, Mississippi, a few miles south, and that town was occupied by the Union forces A force of 14,000 Confederates under General Sterling Price was at the village of Iuka, twenty miles southeast of Corinth. General Grant formed a plan to capture the force under General Price, and on September 19th, 1862, sent General Rosecrans with 9,000 men, and General Ord with 8,000 men to attack the Confederates at Iuka on both sides. General Rosecrans made the first attack, but

General Ord failed to co-operate with him in time. Again General Rosecrans disposed his forces in such a manner as to appear double their strength, and General Price believed himself to be confronted by overwhelming numbers. The battle raged for several hours, but through some miscalculation General Ord failed to attack the rear of the Confederates in time, and General Price escaped and united his forces with those of General Van Dorn. General Rosecrans was now placed in command of an army of 16,000 men at Corinth, and was directed by General Grant to fortify that town, it being a railroad center and a supply depot for the Union army, and of immense importance to the operations and success of the Army of the Mississippi. There was a large force of artillery in the garrison, and General Rosecrans had a rare opportunity to exercise his skill in placing the batteries and fortifying the town.

Corinth is located in a low, level country, which, at that time, was covered with dense forests. Every piece of high ground about the town was fortified by General Rosecrans. The forests were cut down for a long distance in front of the positions of the batteries—the trees being cut so as to fall away from the guns, the limbs trimmed of their foliage and their ends sharpened so as to make it impossible for cavalry to advance among them, and extremely difficult for infantry to approach in regular order. From whatever direction the Confederates might advance toward Corinth they were confronted with formidable breastworks so arranged that the attacking party could be subjected to a cross-fire, and the artillery was so disposed as to sweep every inch of ground over which the enemy might move in making an attack. The combined armies of Price and Van Dorn were camped a few miles away, and the Confederate

generals determined to capture Corinth. They were not aware of the formidable preparations that were made by General Rosecrans to receive them, and realized when it was too late the terrible science with which he had posted his batteries and disposed his infantry. On October 3d, 1862, the enemy appeared in force in the woods outside of Corinth. That evening the Confederates advanced their skirmish lines and moved forward a strong reconnaissance to locate the position of the Union forces. That night both armies slept on their arms, awaiting to commence the struggle at dawn. Before the sun had risen, the Confederate forces were in motion and General Van Dorn launched one brigade after another against the Union position. Regardless of the terrible artillery fire, and bending their heads as if breasting a snowstorm, and men in gray rushed out of the woods over and through the fallen trees and up to the very mouths of the cannon, but it was a useless sacrifice of the lives of brave men. The Union infantry, in four divisions, was posted in such a manner that an advance could not be made on one division without encountering the fire of other divisions. Although it was an autumn day, the thermometer registered 94 degrees in the shade, and men fought like demons in the fierce heat, hidden by clouds of smoke while the surrounding forests shut off every breath of air. By two o'clock the battle was over, and the Confederates retreated. The victory of the Union army was complete, and the Confederates were pursued for a distance of forty miles. General Earl Van Dorn was relieved from command of the Southern forces on account of his ill-judged attack on the strong position of General Rosecrans.

For this brilliant achievement at Corinth, General Rosecrans was made a Major General.

It was in this battle that Chaplain John Ireland of the Fifth Minnesota Infantry—now the renowned Archbishop of St. Paul—carried ammunition to the men of his regiment under a withering fire. The Fifth Minnesota occupied an advanced position, and if the ammunition of the regiment were exhausted the men might be attacked at close range by the Confederates and annihilated without being able to defend themselves. A regiment without ammunition would be perfectly helpless, and if the fact were discovered by the enemy an attack would immediately be made, which might result in appalling loss of life. To provide the men with ammunition was, therefore, not only an act of the highest duty and courage, but might result in saving life rather than destroying life.

Writing of the battle several years afterwards General Rosecrans said that it was at Corinth that he first heard the word "ranch" used. After the action was over, he observed a wounded Arkansas lieutenant who was leaning against a tree, and offered water to the wounded Southerner. "Pretty hot fighting here," said General Rosecrans. "Yes, General," said the lieutenant. "You licked us good, but we gave you the best we had in the ranch."

The great military operations conducted under the supervision of General Rosecrans began with his appointment to the command of the Department of the Ohio on October 30th, 1862. On that day, by direction of General Halleck, General-in-Chief, he was assigned to the command of the troops south of the Ohio river, and the designation of his command was changed to that of the Department of the Cumberland and on the

same day General Rosecrans entered on the discharge of his duties at Louisville, Kentucky.

The order placing Rosecrans in command—General Order No. 168, War Department, created the Department of the Cumberland, embracing that part of Tennessee east of the Tennessee river and such portions of Georgia and Alabama as should be occupied by the Federal troops. General Rosecrans arrived at Bowling Green, Kentucky, November 2nd, and on the 7th, under General Orders, he divided his army into "the Right Wing," commanded by General McCook, "the Center," under General Thomas, and "the Left Wing," under General Crittenden, with five divisions in the center and three in each wing.

The Confederate army under General Bragg had retreated from Kentucky into Tennessee, and the object of General Rosecrans was to follow and defeat the Confederates. The Union army continued to advance toward the South and on December 22d, General Thomas, with the Center, occupied Nashville.

The Confederate army was posted at Murfreesboro, a little town about forty miles south of Nashville. When the remainder of the army came up, a general advance was made along the roads south of Nashville toward Murfreesboro. On the morning of December 27th, General McCook, commanding the extreme right of the Union army, encountered the enemy in force near Triune, but the Confederates retired toward Murfreesboro.

This little town, the scene of one of the bloodiest struggles in modern times, is located near the Nashville pike, about a half mile east of the west fork of Stone river. The stream flows almost directly northwest, and on the west side of it, and parallel to the river,

was then, and is now, the Nashville and Chattanooga Railroad; and crossing the railroad at a slight angle is the Nashville pike, the thoroughfare between Murfreesboro and Nashville. The main advance of the Union army was from the northwest along this road. West of the river and opposite Murfreesboro the Confederate position extended for a distance of about one and one-half miles. The ground is rolling and in many places hilly and was covered with a dense forest of cedars, except where it had been cleared in small patches for farms. Strange to say, General Bragg and General Rosecrans each formed the same plan of battle. Both generals intended to take the offensive and each commander massed the greater part of his army on the left of his line. The nature of the ground is somewhat the same as that of the battlefield of Austerlitz, and it is possible that both generals, who were educated soldiers, had in mind the victory of Napoleon over the combined armies of Austria and Russia. General Rosecrans expected that an attack would be made on the extreme right of his line. The night before the battle he ordered campfires to be lighted for a mile beyond the right of his position in order to lead the enemy to believe that his line extended that far—his object being to cause the great mass of the Confederate army to be shifted from in front of his left wing toward his right wing, and to attack the weakened right of the Confederates with the massive strength of the left wing of the Union army.

The Confederates saw the campfires and, as noted in the sketch of Sheridan, a movement of the Confederate was heard through the woods toward the right of the Union army in the latter hours of the night. It was the night of the 30th of December, 1862, in the

midst of the holiday season when peace reigned in the rest of the world and joy prevailed in the homes of the people except those whose loved ones were encamped on the battlefields of the South. Like at Austerlitz, a mist settled down on the woods and utter darkness overwhelmed both camps. The onimous silence, so impressive on the eve of a great battle, pervaded the tents of friend and foe alike.

"There was naught save the sound of the lone sentry's tread
As he paced from the rock to the fountain,
And thought of the two in the low trundle bed,
Far away in the cot on the mountain."

Every soldier knew when the sun went down on that winter night that it would rise on a scene of carnage.

General McCook commanded the division of the Union army that was posted on the extreme right, and which it was expected would bear the brunt of the attack that was certain to be made by the Confederates in their attempt to turn the right of the Union army and double it back upon itself. General Hardee commanded the extreme left of the Confederate forces and the divisions selected for the attack on McCook were the commands of Cleburne and McCown.

The Confederates were deceived by the long line of camp fires that extended from the Union right, and, therefore, extended their lines so as to pass around the extreme right of the line of smoldering fires, believing that the Union troops were encamped behind them. General McCook was of the family of the "Fighting McCooks," a man without fear, a graduate of West Point, and at one time a professor in the Military Academy, and as a brigade commander was not excelled in the Union army. His critics, however, say

that he did best when directed by a superior officer, and lacked initiative and originality.

Sheridan was apprehensive during the night that the Confederate attack might prove too much for McCook's division, and shifted some of his regiments into position to resist an attack that might be made if McCook's forces were driven off the field—such was the forethought of the great general who almost had the gift of prophecy.

The sun rose on the last day of 1862 enshrouded in mist, and scarcely could the forms of men and horses be made out in the indistinct light of the early morning when the battle began on the right. The Confederate corps under General Hardee swept around in a long, splendid line over the dying embers of the sham camp fires of the Union right, and not encountering the Federal forces, swung around until it bent like a fish hook about McCook's division. So dense were the cedars that McCook's artillery could not manoeuvre and the disposition of his forces was so faulty that his different brigades could not give each other proper support; and when the overwhelming mass of the Confederates, with wild cheers attacked his division on three sides, there was no other expedient but to retreat.

Nothing is more heroic in American history than the stubborn defense of the right of tht Union army, made by the Union troops under McCook when overwhelmed and almost surrounded, they withstood the terrific assault of Hardee's corps. After disposing of McCook's division the Confederate line advanced against the flank of the Union army toward its centre and encountered Sheridan's division. By this time Sheridan's line was faced about so as to meet the enemy squarely; his artillery was in position and his men awaited the attack

with grim determination to protect the remainder of the Union army. It was the plan of General Rosecrans to cross Stone river with the left of the Union army and attack the Confederate right and capture Murfreesboro, he believing that McCook could withstand the attack of the Confederate left, and if he could succeed in capturing Murfreesboro and defeating the Confederate right the remainder of the Confederate army on the west side of Stone river could be easily disposed of by the Union forces. If he succeeded in making the attack on the Confederate left first, General Bragg would have to withdraw a large part of his force from the attack from his left to support his right. All depended on who made the first attack.

It was the plan of both generals to fight an offensive battle, and the advantage lay with the one who first attacked the other. If, however, McCook's division could withstand the Confederate's attack, Rosecrans could nevertheless overcome that portion of the Confederate army east of the river. But a few brigades of the Union army had crossed Stone River when General Rosecrans heard of the disaster on his extreme right. It was when this reverse came that the skill and courage of General Rosecrans rose to the highest pitch. He realized that he was then obliged to fight a defensive instead of an offensive battle, and that it was necessary to change his line in the presence of the enemy as Sheridan had begun to do at the centre. By this time the Confederate attack extended along the whole line west of Stone River. Sheridan's division was subjected to an apalling fire in front and to an attack by Hardees victorious corps on his right, or rather on the right of his front for in his position he was obliged to present two fronts to the enemy. At

the angle where his line bent around, the ground was literally plowed with artillery fire. Limbs of trees shot off by cannon balls were flying through the air and falling on the Union troops; rocks were shattered and their fragments sent flying among the ranks in blue. General Rosecrans, surrounded by his staff, galloped back and forth over the battle field during the day and there was not a moment that he was not a conspicuous mark for the fire of the enemy.

The Confederates realized the great importance of breaking the centre of the Union army as they had broken its right, and reinforcements were sent to General Hardee. If this new Union line that was forming could be driven from its position the victory of the Confederates would be complete. General Rosecrans fully realized the danger and bent every effort to reinforce his centre so as to resist the enemy. The commanding general was cool, collected and brave. General Garesche, who was on his staff as he galloped over the field, was killed by a shell that only missed the chief by a few inches. They were on their way to a position in their centre which was called the "Round Forest."

Assistant Adjutant General Henry M. Cist, on the staff of General Rosecrans, who wrote a history of the Army of the Cumberland, describes the splendid courage of General Rosecrans in this trying hour:

"Dashing from one point to another, quick to discern danger and ready to meet it, shrinking from no personal exposure, dispatching his staff on the gallop, hurrying troops into position, massing the artillery and forming his new lines on grounds of his own choosing, confident of ultimate success, and showing his troops that he had all confidence in them, it was worth months

of an ordinary life-time to have been with Rosecrans when by his own unconquered spirit he plucked victory from defeat and glory from disaster." 1.

After the new line was formed it withstood the attacks of the Confederates for an hour and this hour saved the Union army. The Confederates were exhausted by their repeated attacks and retired for rest; and from noon to two o'clock the battle was almost suspended. Toward three o'clock Cleburne advanced against the centre of the Union army again and so fierce was the attack that several Confederate regiments lost half their number in a few minutes.

Rosecrans was personally present at this desperate encounter, encouraging his men by word and action. "Some brave fellows must be sacrificed for the sake of victory," he shouted, "fire low and close." The heroic Union lines remained intact at the centre until night spread her mantle over the field of carnage.

The battle had lasted ten hours. Sheridan had lost one-third of his division, and when he reported to Rosecrans with his shattered command later in the night, the little commander with big tears coursing down his cheeks said, "This is all there is left of it, General."

New Years' day, 1863 the battle was resumed. The attack was again made on the centre of the Union Army by solid masses of the Confederates formed in lines six deep, but it lacked the spirit of the day before. Both armies were exhausted by the terriffic fighting and neither made any impression on the other. Again on the second of January the Confederates made an attack on the Union lines near Stone River. The men of the division under Breckenridge advanced, reckless of the fire that was opened on them from about forty pieces

1—Cist p. 129.

of artillery, and breaking the first line of the Union army sent it back on the second defense; but again the Union army formed and drove back the Confederates into their lines of intrenchment, capturing many prisoners.

On the morning of the third the battle again opened, but the enemy contented himself with picket firing rather than with a general attack, and at noon on the third General Bragg, after consulting with his generals, decided to retreat, leaving the field in possession of the Union army. During that night the whole of Bragg's army retreated in good order to a position beyond Duck River thirty-two miles from Murfreesboro. The forces were nearly equal, the Confederate forces consisting of 46,604 men of all arms and the Union army of 43,000.

The battle of Stone River, while not a decisive victory for the Union army, had all the effects of a victory.

No battle of the Civil War illustrated the character and capacity of the troops of both armies better than the battle of Stone River. Each army was at its best.

"It is difficult," says Cist, page 134, "to determine which to admire the more, the heavy, quick, decided onset of the rebels, as with ranks well closed up, without music, and almost noislessly, they moved in the gray light of the early December morning, out of the cedars, across the open fields, hurling the full weight of their advancing columns upon our right, with all the dash of Southern troops, sweeping on with rapid stride, and wild yells of triumph, to what appeared to them an easy final victory; or, later in the afternoon, when our troops that had been driven from the field early in the morning, were reformed under the eye of the commanding gen-

eral, met and threw back from the point of the bayonet, and from the cannon mouth, the charge after charge of the same victorious troops of the earlier portion of the day. One was like the resistless sweep of a whirlwind in its onward course of destruction, the other the grand sturdy resistance of the rocky coast, which the waves only rush upon to be dashed to pieces. In each of these, the two armies displayed their distinctive feature to the best."

In mid-summer a movement of the Union army known as the Tullahoma campaign, in which no great battle was fought, but which was conducetd on principles of the profoundest strategy by General Rosecrans, resulted in causing the retreat of the Confederates from the State of Tennessee.

It may not be interesting to follow the movements of the Army of the Cumberland through the various manouevres that were made from the time of the battle of Stone River until the campaign around Chickamauga.

In the early autumn of 1863, General Bragg's army returned to Chattanooga; and to attack and defeat the army of Bragg was again the objective of the campaign of the Army of the Cumberland.

In making his final preparations for his campaign against Chattanooga, General Rosecrans had in mind two plans: One was to surround Chattanooga, and if it was too strong to carry by direct attack, to reduce it by a lengthy siege. The other was to pass by the flank of General Bragg and compel him to evacuate Chattanooga and fight a defensive battle. The first of these plans had to be abandoned for the reason that Bragg was well supplied with provisions and was so located that reinforcements could easily reach him, while Rosecrans was far from his base of supplies in a rough, sterile,

rocky country where provisions had to be brought to the Union army over mountain ranges.

Now, to pass by the flank of an army in position is always hazardous for the reason that the flanking army is exposed to a flank attack and may be cut in two and beaten in detail. In order to attack General Bragg it was necessary to cross the Tennessee River while it was swollen by recent rains, and this was accomplished with the greatest difficulty. The movement across the river was commenced on August 29th, 1863, and occupied a whole week. Both commanders began to concentrate their forces for another struggle and both had received reinforcements. General James A. Garfield was at this time Chief of Staff under General Rosecrans.

Again General McCook was in command of the right of the Union army but it was the left wing of the Federal army that first withstood the brunt of the battle at Chickamauga. General Bragg ordered Cheatham and Walker's divisions to attack Rosecran's left and as the division moved forward to the attack, noticing that they separated and left a gap between them, Stewart's division of the Confederate army was ordered to fall in line to fill the gap. In the dash and vigor of its attacks the Confederate army is unsurpassed in history. These divisions moved forward with disciplined steadiness, approaching the Union lines without music but maintaining their formation as if on parade, and then advancing at the double quick with the wild cheers of the Confederate army, which were known in the Union lines as the "rebel yell," the attack was delivered.

The Union army was always heroic in defense of a position. On this day under Rosecrans the Union forces withstood the Confederate attack with a firmness that won the admiration even of the enemy; and the Confed-

erates were obliged to fall back to their original line. In this battle General Rosecrans had anticipated the plan of General Bragg and had made all preparations to defend the left wing of his army, which he believed General Bragg would attack. No sooner had this assault been repelled than Hood's corps of the Confederates in heavy masses assaulted the right wing, coming in contact with Reynold's and Van Cleve's divisions, and with the same reckless disregard of grape and canister that these men of the south exhibited on every battle field, they rushed up to the very mouths of the Union guns. But this attack was repulsed with the same firmness that had been shown on the left of the Union army, and both armies now occupied their first positions. At twilight the same General Patrick R. Cleburne that had attacked the right of the Union army at Stone River, made one of the fiercest assaults of the day on the divisions of Johnson and Baird of the Union army; but here again the same firmness of the Union army withstood the attack.

This was the first day at Chickamauga, the 19th of September 1863, and the autumn night rolled over the scene. Both armies, neither of which had been conquered, or moved from its position, lay down to rest after the struggle.

During the whole day General Rosecrans had maintained his position against vastly superior forces. It had been the plan of General Bragg to make a sham attack on the centre of the Union army which he expected would cause a large part of its forces to be withdrawn from the right and left wings, and while the feint was in progress to make a terrific assault on the left of the Federals, sweeping all before him in broken masses upon the centre and occupying the road to Chattanooga, which was the only escape of the Union army; and if

this plan had succeeded he would have captured the entire command of General Rosecrans.

All these plans were defeated by the firmness and generalship of Rosecrans. The battle of the 19th was a series of brilliant charges and counter-charges, in favor of first one side and then the other, without any particular result. During the night Rosecrans assembled his corps commanders for a council of war and after consultation gave orders for the disposition and movements of the troops for the next day. General Thomas, who commanded the left, was to hold the same position as on the 19th; the right wing of the Union army, under McCook, was to protect the flank of Thomas. Everybody thought that the main attack of the Confederates would be made on the left of the Union army under Thomas the next day, and if this was broken and driven from the field the result would be a Union disaster of the greatest magnitude. At dawn the next morning Rosecrans was in the saddle giving orders and assigning different brigades to their positions to protect the left. A heavy fog hung over the battle field, an incident so frequently associated with the scene of great battles, and the ominous silence that precedes a great struggle prevailed.

During the night the Union troops threw up temporary breast-works of logs and rails and behind these the veterans under Thomas waited for the attack. The shrewd Confederate general thought the position in his immediate front was too strong to carry by direct assault, and therefore felt around for some weak point on the flank and discovered what he thought to be an available place to make an attack. The ever present General Cleburne threw his division against the left flank of the Union army; but the extreme left had also thrown

up breast-works and when the Confederates encountered these they were driven back. The Confederates undaunted, brought up fresh reinforcements and attacked the breast-works with the old time spirit over and over again, but the solid wall of the Union ranks was not broken.

While these attacks were being delivered on the left, General Bragg was preparing a heavier stroke for the right of the Union army. General Longstreet's command consisting of Stewart"s, Hood's, Kershaw's, Johnson's and Hindman's divisions, with Preston's division in support, swung around against the right flank and delivered one of the most dashing attacks in the history of the whole war. Every inch of the ground was contested by the men under McCook and, as at Stone River, the Confederates rushed through a gap in the Union position and compelled a retreat of the right flank of the Union army, capturing several thousand prisoners, forty guns and a large number of wagon-trains.

The right of the Union army was broken and five brigades of the right wing were cut off from the rest of the command. After this successful attack had been made General Bragg determined to make another attack on the Union left and completely surround the Union army. It was now that George H. Thomas, one of the greatest of American generals, showed the undaunted courage and immovable firmness that earned for him the distinction of being called the "Rock of Chickamauga." On an elevated plateau, called "Horseshoe Ridge," he planted his batteries and formed his lines of infantry. The Confederates, always an army of attack, swarmed up the slope with the same spirit they had shown on every battle field, but they were hurled back with terrible slaughter from the Union lines. It

was not only one wild charge that they made, but for six hours and until night mercifully put an end to the battle, the Confederates attacks continued and the Union forces stood their ground. Fiske describes the spectacle as one of the grandest in the annals of warfare. 1. During the night the Union army withdrew through the defiles of the mountains to Chattanooga. The Union loss was 16,000, but the Confederate loss was more than 18,000 in that "Great Battle of the West." Chickamauga was a Confederate victory but General Bragg failed to attain the object of his first attack—to capture the road to Chattanooga and surround the Union army.

During the time that the terrific attacks were delivered against the left under General Thomas, General Rosecrans held a consultation with General Garfield. It was the opinion of both that Thomas could scarcely withstand the onset of the Confederates and they planned what was best to be done in case a retreat was necessary. Cist says of the battle:

"All things considered, the battle of Chickamauga for the forces engaged was the hardest fought and the bloodiest battle of the Rebellion. Hindman, who fought our right at Horseshoe Ridge, says in his official report that he had "never known Federal troops to fight so well," and that he "never saw Confederate soldiers fight better." The largest number of troops Rosecrans had of all arms on the field during the two days' fighting was 55,000 effective men and Confederates numbered several thousand more.

The battle of Chickamauga was lost through the mistake of an aide serving on the staff of General Thomas. General Crittenden's corps was posted near the centre of the right of the Union line, and it was of the highest

1—Mississippi Valley in the Civil War, p. 275.

importance that this corps should present a solid front to the enemy on that part of the battle field. In this corps, Woods', Brannan's and Reynolds' divisions were next to each other, with Brannan's in the middle. Brannan's division was in a position further back in the line than the others, half wheeled to the right, and concealed in dense woods. The aide, riding along the front line, saw what he supposed was a great gap between Wood and Reynolds, and did not know that Brannan's division was between them. He immediately galloped to Thomas' headquarters and reported that there was an opening in the Union line immediately in front of the Confederates, and the Union line in that quarter was in danger of being pierced. From his report, General Thomas understood that Wood's division was too far to the right and he immediately notified General Rosecrans who wrote this order:

"The General commanding directs that you close up on Reynolds as fast as possible and support him."

General Wood interpreted the order literally, and instead of closing up on the next division to him, left his position in line, marched back of General Brannan and closed up on Reynolds, literally obeying the order but leaving a wide gap in the Union line. The name "Reynolds" instead of "Brannan" in this order was the mistake that cost General Rosecrans the command of the Army of the Cumberland. It was not his fault. He had been misinformed. And even though it was a mistake it was more the error of General Wood than of the commanding General.

Mr. John Fiske in his "Mississippi Valley in the Civil War," page 270, describes the mistake that lost the battle as follows: "Near the center of the Federal line, where the shock of battle had not yet arrived, three

divisions were posted in zigzag fashion. The first of these was Reynolds' division; next on the right was Brannan's division, considerably refused to the right and hidden among trees; next was Woods' division, nearly at right angles to Brannan's. About noon an aide of General Thomas, riding along the line and not seeing Brannan's men in their screened position, too hastily translated his first crude impression into a fact and, on reaching Thomas, informed him that there was an empty space between Reynolds and Wood. Thomas instantly transmitted the false information to Rosecrans. Now Rosecrans would have known better, had it not been for one thing. Some time before, the place now occupied by Wood had been occupied by Negley; but Negley had been sent to the left to reinforce Thomas, and Rosecrans had ordered Wood to take his place. This had all been done, and the line was all as it should be. But when Rosecrans heard that there was a gap in the line, he naturally supposed that Wood had not yet quite got into position, and he sent an aide to hasten his movements. The aide thus gave the order in writing: "The General commanding directs that you close up on Reynolds as fast as possible, and support him." He should have said "close up on Brannan." General Wood was naturally bewildered by such a mysterious order. How could he close up on Reynolds, when there was Brannan's whole division in line between them? He could not close up on him, but he might support him by passing around Brannan's rear. This, thought Wood, must be what Rosecrans meant, and so with all promptness he moved his division accordingly, leaving a great empty space in the very middle of the battle-front. Thus in the endeavor to fill up an imaginary gap there was created a real gap. It was just such a sort of a misunderstanding as is perpetually

happening in the little ordinary affairs of life. How often do we witness innocent but awkward blunders arising from hasty observation and lack of precision in the use of language. But war has no pity for innocent blunders. General Longstreet would have willingly sacrificed ten thousand men to make such a hole in the Federal line as General Wood had just left there. For some little time the battle had been surging along down the line toward the centre, and just at this moment Longstreet received Bragg's order to attack. Into the dreadful opening which Wood's movement had left, Longstreet poured eight brigades, one after another, in an overwhelming mass. The Federal divisions on either side were slammed out of place "like doors swung back on their hinges and shattered by the blow." The whole right wing was taken on its left flank, completely torn away from the rest of the army, and swept off the field in utter and helpless rout. The heroic exertions of the division and brigade commanders were all in vain. Nothing human could stand when struck in such a fashion. Rallying was out of the question; there was nothing to be done but get out of the way. Rosecrans was caught in the throng and whirled off the field, and so were McCook and Crittenden. The cannon were all in the enemies hands. The road to McFarland Gap was crowded with fugitives. More than half the Federal army was in full flight. Not an officer above a division-ocmmander was left on this part of the field."

General Rosecrans was relieved of the command of the Army of the Cumberland October 17th, 1863. There was dissatisfaction in the army on account of his removal, for the men had the greatest confidence in him; even private soldiers in the ranks discussed the order given General Wood and said his interpretation of it should

be that he should close up on the next division to him; that the meaning of the order was to "close up a gap in the line," and not "to leave a gap."

"When it was known," says Cist, "that Rosecrans had been relieved, and that he had left the army for the north, there was universal regret that the troops that had loved and trusted him should no longer follow his skillful leadership. Every soldier in his army felt that he had a personal friend in 'Old Rosy.' His troops never for a moment faltered in their devotion to him or confidence in him. They felt that he had been made the victim of a foolish interpretation of an order that brought ruin and disaster upon his army, for which he was not responsible, but for which he was made to suffer." 1.

General Rosecrans was then placed in command of the department of Missouri with headquarters at St. Louis, and directed the operations which resulted in the driving of the forces of General Price from that state. He was mustered out of the volunteer service of the United States June 13th, 1866, but continued as an officer in the regular army until March 28th, 1867, when he resigned. He was always a favorite in the army, and enjoyed the esteem of all the officers serving under him, and the respect and affection of the men in the ranks.

"General Rosecrans, to his subordinates, was one of the most genial of men. Kind and good natured, he at times failed to act as decisively as occasion required, deterred by the fact that, should he do so, some of his subordinates would suffer. His restless activity led him to give attention to details that he should have been entirely relieved of by his subordinates. But no amount of work daunted him. He lived almost without rest and sleep, and would wear out two sets of staff officers

1—Cist p. 234.

nightly, and then, if occasion required it, be up and out before daylight. To superiors he unfortunately allowed his high spirit to get the better of his judgment and many times when he was in the right he ruined his position by his hasty temper. His fame, despite his enemies —and no general in the field had stronger nor more unscrupulous ones—as the greatest strategist of the war, is permanently fixed in history. What it might have been had he not been hampered, annoyed, and insulted as no other commanding general was at any time by both the Secretary of War and the General-in-Chief, is merely problematical. Personally, he regarded all this as mere "incidents of the service." 1.

He was a brother of Sylvester Horton Rosecrans, Bishop of Columbus, who died in 1878, one of the saintliest of men, the memory of whose charity will endure longer than his monument; who spent a life of labor as an instructor and leader of his people, and who is said to have left but two silver half-dollars as his earthly treasure.

Perhaps no other officer of the Union army, except it may have been General Shields, was more in demand as a candidate for public office than General Rosecrans. He was offered a nomination for governor of California in 1886, for governor of Ohio in 1869, and for congressman from Nevada in 1876, each of which he declined. He was appointed Minister of the United States to Mexico by President Johnson, July 27th, 1868, and represented the United States in the Mexican capitol until June 28th, 1869. During his stay in the Latin republic he observed the great possibilities of that country, and used his influence to induce Americans to invest in Mexico. He believed the neighboring republics should

1—Cist p. 235.

cultivate the most intimate relations with each other for the mutual benefit and convenience of both. He was extremely popular in Mexico and did much toward bringing about the friendly relations between the United States and that country that have continued to this day.

After his return to the United States, through his influence Congress was memorialized to encourage trade relations with Mexico, and the discussion began which was continued through the public press for a period of fifteen months, in which General Rosecrans took part. He labored to change the feeling of contempt for the Mexican people that had existed in the earlier history of the United States, and to increase the respect of the American people for the pioneers of Mexico, who, instead of destroying the original population had led the Mexican Indians out into the light of civilization, however imperfect that civilization may be in some respects, and had taught the blessings of Christianity to the aboriginies and made their country their home instead of their grave.

General Rosecrans was struck with the beauty of California and for the last thirty years of his life made his home in the Golden State. In 1881 he was elected congressman from California and served until 1885, and was Chairman of the Committee on Military Affairs.

The General established a magnificent home in California, a ranch of eleven thousand acres. During the latter years of his life he engaged in many unprofitable ventures in mining, and his estate dwindled until but eleven hundred acres remained.

In 1889, as a rare compliment to General Rosecrans, he was re-appointed as a brigadier general in the regular army, and retired with that rank.

Among all the thousands of brave men who fought in the Civil war there was none who surpassed General Rosecrans in personal courage. He was one of the greatest strategists of modern times. Cool, deliberate and self-possessed, his plans were deeply laid and vigorously carried out on every occasion. While he was sternly just, he was noted for his kindness and indulgence to the men in the ranks. They affectionately called him "Old Rosy," his full beard giving him the appearance of being older than many of the other officers under whom they served.

All of his difficulties were with his superior officers. On March 1, 1862, General Halleck, as Commander-in-Chief of the armies of the United States, wrote a letter, sending copies to Generals Rosecrans and Grant, offering the position of the then vacant Major Generalship in the regular army to the general in the field who should first achieve an important and decisive victory. This incident illustrates the difference in temperment between Grant and Rosecrans. Grant read the letter, folded it up and put it in his pocket, saying nothing, as was his usual habit. It is not known whether he thought it ridiculous or whether he took it as an insult to the profession or regarded it as unmilitary and unprofessional or not; he was the silent, immovable, undisturbed, unemotional General Grant. To General Rosecrans this letter was an insult. His Teutonic blood rose, and on March 6th, he wrote a reply in which he informed General Halleck that, "as an officer and as a citizen," he felt "degraded at such an auctioneering of honors," and then adds: "Have we a general who would fight for his own personal benefit when he would not for honor and for his country? He would come by his commission basely in that case, and deserve to be de-

spised by men of honor. But are all the brave and honorable generals on an equality as to chances? If not, it is unjust to those who probably deserve most." 1.

Being of noble impulse, General Rosecrans was a protector of the weak and of those who were in his power, but, perhaps unfortunately for himself, he had little patience with men in high places, and their mistakes were extremely irritating to him. He was "lofty and sour to those who loved him not, but to the men who sought him, sweet as summer."

General Rosecrans died at his home near Redondo, in Los Angeles County, California, March 11th, 1898. He lived a pure and upright life, and left to his country an inheritance of honor, and the splendid example of an untarnished name. He was a soldier born of a heroic race, who knew no fear but the fear of God.

1—Cist p. 150.

THE END.

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